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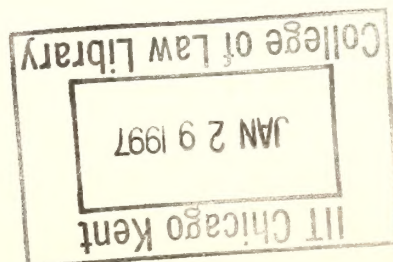
Illinois Register

Rules of Governmental Agencies

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DEPARTMENT ON AGING

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Community Based Residential Facilities Demonstration Project

- 2) Code Citation: 89 Ill. Adm. Code 280

- 3) Section Numbers: Proposed Action:

280.50 New Section

280.100 New Section

280.200 New Section

- 4) Statutory Authority: 20 ILCS 105/4.01(11), 4.02b and 5.02

- 5) A Complete Description of the Subjects and Issues Involved: The purpose of this rulemaking is to establish three sites under the Community Based Residential Facilities Demonstration Project (CBRFPD). Pursuant to Public Act 89-530, the Department is mandated, in consultation with the Illinois Department of Public Health and the Illinois Department of Public Aid, to promulgate rules and develop criteria for the Demonstration Project.

CBRFPD will provide Illinois' elderly population with an alternative to a nursing home thereby promoting their independence and providing a more cost-effective community based residential facility.

CBRFPD shall terminate when an assisted living or similar client focused residential program is established by law or on June 30, 2001, whichever is earlier.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference? No

- 9) Are there any proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their written comments concerning this rulemaking, within 45 days after the date of this issue of the *Illinois Register*, to:

Ms. Pamela W. Balmer, Assistant
Office of General Counsel
Illinois Department on Aging
421 East Capitol Avenue #100
Springfield, IL 62701-1789

DEPARTMENT ON AGING

NOTICE OF PROPOSED RULES

Attention: CBRFPD
(217) 785-3346

The rule will have an impact on small businesses. In accordance with Sections 1-20 and 5-20 of the Illinois Administrative Procedure Act, any small business may present their comments to Ms. Pamela W. Balmer, at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on the proposed rules shall indicate their status as such, in writing, in their comments.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: Case Coordination Units, Community Care Program in-home and community based service providers, residential facilities, sheltered care, or other nursing home care providers, as defined in the Nursing Home Care Act.

B) Reporting, bookkeeping or other procedures required for compliance: Reporting, bookkeeping and other procedures commensurate with those established under the Demonstration Project.

C) Types of professional skills necessary for compliance: Professional skills commensurate with those established under the Demonstration Project and of those entities under (12)(A) above.

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Rule begins on the next page:

DEPARTMENT ON AGING

NOTICE OF PROPOSED RULES

TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGING

PART 280

COMMUNITY BASED RESIDENTIAL FACILITIES DEMONSTRATION PROJECT

SUBPART A: PROJECT OVERVIEW

Section

280.50 Definitions

280.100 Authority and Purpose

Section

280.200 Eligibility Requirements

AUTHORITY: Implementing Section 4.02b and authorized by Section 4.01(11) of the Illinois Act on the Aging [20 ILCS 105/4.02b and 4.01(11)].

SOURCE: Adopted at 21 Ill. Reg. _____, effective _____.

SUBPART A: PROJECT OVERVIEW

Section 280.50 Definitions

"Department" means the Illinois Department on Aging.

"Program Plan" means a detailed explanation of the types of service(s) the project shall provide, the methods by which services may or may not be considered for residency, and a listing of client rights including provision for contracts, liability insurance and discharge procedures.

"Project" means a location participating in the Community Based Residential Facilities Demonstration Project.

Section 280.100 Authority and Purpose

a) This Part is promulgated to develop and implement the criteria for the Community Based Residential Facilities Demonstration Project.

b) The Community Based Residential Facilities Demonstration Project shall terminate when an assisted living or similar client focused residential program is established by law or on June 30, 2001, whichever is earlier (Section 4.02b of the Illinois Act on Aging [20 ILCS 105/4.02b]).

c) The purpose of this Part is to authorize the establishment and

DEPARTMENT ON AGING

NOTICE OF PROPOSED RULES

development of service criteria and facility standards for no more than three Community Based Residential Facilities Demonstration Projects statewide.

SUBPART B: ELIGIBILITY

Section 280.200 Eligibility Requirements

The project shall meet the following criteria:

- a) Facilities participating in the Community Based Residential Facilities Demonstration Project (CBRFP) shall comply with:
 - 1) all current local, State and federal residential statutes, standards and/or regulations for multi-unit dwellings;
 - 2) all CBRFP service requirements and tenant rights;
 - 3) all statements and/or proposals delineated by the facility in the Request for Application for CBRFP and all subsequent CBRFP contract requirements.
- b) All facilities participating in the CBRFP shall execute a contract with each individual tenant or the legal representative of that tenant. The contract format shall be approved by the Department or any successor agency.
- c) Individuals participating in the CBRFP shall:
 - 1) be at least 60 years of age;
 - 2) exhibit a need for long term care; and
 - 3) be subject to a needs assessment and development of a Plan of Care, by the appropriate Case Coordination Unit (CCU), in accordance with Community Care Program (CCP) time frames and requirements.
- d) All individuals who participate in the project shall have standard CCP appeal rights of the denial or alteration of service(s) designated by the Plan of Care under the CBRFP.
- e) If a project is providing sheltered care, or other nursing home care as defined in the Nursing Home Care Act [210 ILCS 45], the project shall apply for a waiver from the Illinois Department of Public Health, within 90 days after Department approval, in the form and manner prescribed by the Illinois Department of Public Health.
- f) If the Illinois Department of Public Health denies or withdraws a project's waiver, the Department shall immediately terminate the project from the demonstration.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Grain Code

2) Code Citation: 8 Ill. Adm. Code 281

3) Section Numbers:
281.50 Proposed Action:
Amendment

4) Statutory Authority: Grain Code [240 ILCS 40]

5) A Complete Description of the Subjects and Issues Involved: The proposed amendment will clarify any misinterpretation as to the treatment of a price later contract when a producer does not execute the price later contract within 30 days after the last date of delivery of grain on that contract. The existing rule states that the contract is void; however, the contract is void, at most, only in reference to the ability of the producer to price the grain after the 30 day period. The amendment is merely a corrective one.

6) Will this proposed rule replace an emergency rule in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rule does not affect units of local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period for receiving comments from the public will begin on the day this notice of rulemaking appears in the *Illinois Register*. Written comments should be sent to the attention of:

Debbie Wakefield
Department of Agriculture
State Fairgrounds
P.O. Box 19281
Springfield, IL 62794-9281
217/785-5713
Facsimile: 217/785-4505

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: The types of small businesses affected are small country elevators and feed mills. There are no small

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

municipalities or not-for-profit corporations affected.

B) Reporting, bookkeeping or other procedures required for compliance:
No additional requirements.

C) Types of professional skills necessary for compliance: No additional professional skills are required.

13) Regulatory agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
 CHAPTER I: DEPARTMENT OF AGRICULTURE
 SUBCHAPTER k: GRAIN
 PART 281
 GRAIN CODE

Section	
281.10	Right of Examination and Working Conditions
281.20	Licensing: Application, Fees and Financial Ratios
281.30	Required Insurance
281.40	Required Records
281.50	Price Later Contracts
281.60	Warehouse Receipts
281.70	Types of Storage
281.80	Failure; Claims; Liquidation
281.90	Miscellaneous

AUTHORITY: Implementing and authorized by the Grain Code [240 ILCS 40].

SOURCE: Adopted at 20 Ill. Reg. 5499, effective April 1, 1996; expedited correction at 20 Ill. Reg. 9585, effective April 1, 1996; amended at 21 Ill. Reg. _____, effective _____.

Section 281.50 Price Later Contracts

a) Prescribed Form

A price later contract executed between a licensee and a producer shall be on a prescribed form which has been approved by the Department. The prescribed form shall include, but need not be limited to, the following information:

- 1) The legal name and address of the licensee;
- 2) The legal name of the seller;
- 3) The bushel amount of grain to be covered by the contract;
- 4) The grade and commodity of grain to be covered by the contract;
- 5) The dates of delivery of the grain to be covered by the contract;
- 6) The method of pricing;
- 7) A section to indicate service charges, advances or other terms;
- 8) The following statements:

- A) That title to the grain covered by this contract passes to buyer upon delivery;
- B) Buyer is required to maintain grain assets and price later, storage, and drying service charges equal to 90% of its price later obligations;
- C) Price later grain is not stored for the seller. This contract is regarded as a grain dealer claim. The maximum coverage afforded by the Illinois Grain Insurance Fund is 85% of the valid grain dealer claim amount up to a maximum of \$100,000 per claimant. A valid grain dealer claim

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

includes all groups of contracts that in any way can be related or tied to a person or entity whether in full or in part;

D) This contract shall cease to be the basis of a valid claim against the Illinois Grain Insurance Fund:

- i) Upon the expiration of 160 days after the grain sold under this contract is priced; or
 - ii) Upon the expiration of 270 days after the latter of the execution of this contract or the date of delivery of the grain sold under this contract;
- E) The execution of subsequent price later contracts by the producer and the licensee for grain previously covered by a price later contract shall not extend the coverage of a claim beyond the original 270 days;
- F) Contract must be signed by both parties within 30 days after the last date of delivery or the grain will be priced and ~~this contract will become void~~;

9) A section indicating the signature and date of signature for both the seller and buyer's representative;

10) The reverse of the contract shall contain a schedule of settlements for the grain to be covered by the contract.

b) Printing

A price later contract shall be printed by a person authorized to print such contracts by the Department. The Department shall authorize persons to print price later contracts if they are printed in accordance with the Grain Code and the rules of this Part and if they have posted the required bond. The printer shall provide a surety bond in the sum of \$5,000 payable to the Illinois Department of Agriculture, Director of the Department of Agriculture as Trustee. All price later contracts shall be:

- 1) Printed only for licensees.
- 2) Numbered consecutively either at the time of printing or through the control of a computer generated system.
- 3) A complete record of contracts printed shall be retained by the printer for 5 years, showing for whom printed, the number printed, and the consecutive numbers that were printed on the contracts.

c) Separate Series

Each location at which price later contracts are issued shall have its own identifiable series of price later contracts.

d) Requirements for Use of Price Later Contracts

- 1) Only one commodity per contract.
- 2) The bushel quantity of a price later contract may not be increased.
- 3) Price later contracts are to be executed in triplicate with the original copy maintained by the dealer.
- 4) The dealer shall maintain the updated and signed contracts in numerical order.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 5) No storage charges shall be made with respect to any commodity purchased by price later. A service charge may be assessed.
- 6) A rollover shall be documented with the initials of both parties and dated by both parties.
- 7) Grain assets included in the assets required to meet 90% of outstanding price later obligations do not have to be commodity specific.

e) Pre-delivery Price Later

When a price later contract is used as a pre-delivery contract, the original bushel amount may be adjusted down to reflect the actual amount of grain delivered against the contract.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois State Fair, and DuQuoin State Fair, Non-Fair Space Rental and the General Operation of the State Fairgrounds
- 2) Code Citation: 8 Ill. Adm. Code 270
- 3) Section Numbers:

270.261	<u>Proposed Action:</u>
270.485	Amended
	Repealed
- 4) Statutory Authority: State Fair Act [20 ILCS 210] and Section 40.14 and Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16 and 40.14]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendment to Section 270.261 states that the Department with the advice of the Land of Lincoln Purebred Breeders Association will set the percentage of the appropriation made for the Land of Lincoln Breeders Awards for Purebred or Registered Livestock for each class or show of livestock at the Illinois State Fair and publish this information in the Illinois State Fair premium book annually.

Section 270.485 is being repealed because the rule is ambiguous and is no longer applicable to current fair policies.
- 6) Will this proposed rule replace an emergency rule in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect local units of government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period for receiving comments from the public will begin on the day this notice of rulemaking appears in this *Illinois Register*. Written comments should be sent to the attention of:

Debbie Wakefield
Department of Agriculture
State Fairgrounds
P.O. Box 19281
Springfield, IL 62794-9281
217/785-5713
Facsimile: 217/785-4505

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Illinois State Fair livestock exhibitors and non-fair exhibitors concessionaires.

B) Reporting, bookkeeping or other procedures required for compliance:
No additional procedures are required for compliance.

C) Types of professional skills necessary for compliance: No additional professional skills are required for compliance.

13) Regulatory agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER J: FAIRS

PART 270

ILLINOIS STATE FAIR, AND DUQUOIN STATE FAIR,
NON-FAIR SPACE RENTAL AND THE GENERAL
OPERATION OF THE STATE FAIRGROUNDS

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Violation of Rules; Administrative Hearings

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NOTICE OF PROPOSED AMENDMENTS

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DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

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DEPARTMENT OF AGRICULTURE

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DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

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AUTHORITY: Implementing and authorized by the State Fair Act [20 ILCS 210];
 implementing Section 40.14 and authorized by Section 16 of the Civil
 Administrative Code of Illinois [20 ILCS 5/16 and 40.14].

SOURCE: Adopted at 4 Ill. Reg. 25, p. 34, effective June 11, 1980; amended at
 5 Ill. Reg. 1332, effective January 29, 1981; codified at 5 Ill. Reg. 10532;
 amended at 6 Ill. Reg. 8958, effective July 9, 1982; amended at 8 Ill. Reg.
 6103, effective April 25, 1984; emergency amendments at 10 Ill. Reg. 13370,
 effective July 28, 1986, for a maximum of 150 days; amended at 10 Ill. Reg.
 14282, effective August 20, 1986; amended at 10 Ill. Reg. 20468, effective
 November 26, 1986; amended at 11 Ill. Reg. 2228, effective January 20, 1987;
 amended at 15 Ill. Reg. 455, effective January 2, 1991; amended at 18 Ill. Reg.
 9400, effective June 12, 1994; amended at 19 Ill. Reg. 9400, effective June 29,
 1995; amended at 21 Ill. Reg. _____, effective _____.

SUBPART D: PREMIUMS AND RULES GOVERNING EXHIBITS OR EVENTS

 Section 270.261 Land of Lincoln Breeders Awards for Purebred or Registered
 Livestock

a) In accordance with the provisions of Section 11.1 of the State Fair
 Act, fair management with the advice of the Land of Lincoln Purebred
 Breeders Association shall set the percentage of the appropriation
 made for the Land of Lincoln Breeders Awards for Purebred or
 Registered Livestock for each class or show of livestock and publish
 these percentages in the Illinois State Fair premium book annually.
 shall be as follows:

1) Junior Livestock Show-----16-2/3%
 2) Beef Cattle-----19%
 3) Dairy Cattle-----19%
 4) Swine-----16-2/3%

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 5) ~~Sheep~~-----10-2/30
6) ~~Goats~~-----2/30
7) ~~Eight-Horses-and-Ponies~~-----160
8) ~~Heavy-Horses~~-----1730
b) The Department shall establish and promote contests and exhibitions of various classes of livestock to be known as The "Land of Lincoln Breeders Awards for the Purebred or Registered Livestock." Only animals bred, born and maintained in Illinois and owned and exhibited by Illinois residents shall be eligible to participate in such contests and exhibitions; however, such animals shall be permitted out of this State for a reasonable period of time for showings, exhibitions, breeding or reproductive purposes, or medical treatment (Section 11.1 of the State Fair Act (411-Rev--Stat--1991--ch--127 par--17111 [20 ILCS 210/11.1]). For the purposes of determining compliance with this Section, a reasonable period of time for permitting animals to be out of the State for showings, exhibitions, breeding, reproductive purposes or medical treatment shall be a maximum of 90 days during a fiscal year (July 1 through June 30).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART J: NON-FAIR SPACE RENTAL:
BASIC RULES APPLICABLE TO ALL RENTALS

Section 270.485 Non-Exclusivity (Repealed)

~~Acceptance--of--a contract--by the Department--does not grant the concessioner or exhibitor--exclusivity of the buildings or grounds--for the sale or exhibition of said product.~~

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Illinois Credit Union Act
2) Code Citation: 38 Ill. Adm. 190
3) Section Number: 190.20 Proposed Action: Amendment
4) Statutory Authority: 205 ILCS 305
5) Complete Description of the Subjects and Issues Involved: Currently the petitioner has the burden of proof in a hearing. This amendment will switch the burden to the Department.
6) Will this Proposed Rule Replace and Emergency Rule Currently in Effect? Yes
7) Does this Rulemaking Contain an Automatic Repeal Date? No
8) Does this Rulemaking Contain Incorporations by Reference? No
9) Are there Any Other Amendments Pending on this Part? No
10) State of Statewide Policy Objectives: The objective is to shift the burden of proof to the Department. This amendment would not require the expenditure of any additional revenues.

11) Time, Place and Manner in Which Interested Persons May Comment on this Rulemaking:

M. Rose Kelly
Chief Legal Counsel
Illinois Department of Financial Institutions
100 W. Randolph, 15-700
Chicago, IL 60601
312/814-2008

12) Initial Regulatory Flexibility Analysis:

- A) Types of Small Business Affected: Credit Unions
B) Reporting, Bookkeeping or other Procedures required for compliance: None

- C) Types of Professional Skills Necessary for compliance: None
13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: It was not anticipated at the time.

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NOTICE OF PROPOSED AMENDMENT

The full text of the proposed amendment begins on the next page:

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF PROPOSED AMENDMENT

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER I: DEPARTMENT OF FINANCIAL INSTITUTIONS

PART 190

ILLINOIS CREDIT UNION ACT

Section	
190.5	Credit Union Service Organizations
190.10	Field of Membership Procedures
190.20	Hearings
190.30	Cease and Desist Procedures
190.40	Removal or Suspension Procedures
190.50	Fees
190.60	General Accounting Procedures
190.70	Loan Loss Accounting Procedures
190.80	Use of Electronic Data Processing
190.90	Property and Long Term Leases
190.100	Classes of Share and Special Purpose Share Accounts
190.110	Share Drafts
190.120	Bond and Insurance Requirements
190.130	Verification of Share and Loan Accounts
190.140	Real Estate Lending
190.150	Reverse Mortgage
190.160	Lending Limits - Other Than First Mortgage Loans
190.165	Business Loans
190.170	Group Purchasing
190.180	Investments
190.190	Liquidation
190.200	Conversion of Charter

AUTHORITY: Implementing and authorized by the Illinois Credit Union Act [205 ILCS 305].

SOURCE: Adopted at 4 Ill. Reg. 20, p. 17, effective May 7, 1980; amended at 6 Ill. Reg. 11154, effective September 7, 1982; amended and codified at 7 Ill. Reg. 14973, effective October 26, 1983; emergency amendment at 9 Ill. Reg. 14378, effective September 11, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 16231, effective October 10, 1985; amended at 10 Ill. Reg. 14667, effective August 27, 1986; amended at 12 Ill. Reg. 10464, effective June 7, 1988; amended at 12 Ill. Reg. 17383, effective October 24, 1988; amended at 13 Ill. Reg. 15998, effective October 2, 1989; emergency amendment at 16 Ill. Reg. 12781, effective July 29, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17073, effective October 26, 1992; amended at 19 Ill. Reg. 2826, effective February 24, 1995; amended at 20 Ill. Reg. 5803, effective April 8, 1996; emergency amendment at 20 Ill. Reg. 13093, effective September 27, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. _____, effective _____.

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Section 190.20 Hearings

Upon written request, the Director will authorize a formal hearing to review the propriety of administrative actions and regulatory decisions made pursuant to the Act.

a) Hearing Officers.

The Director may designate, in writing, a hearing officer who shall have the authority to:

- 1) examine or permit examination of any witness under oath;
- 2) determine the order of appearance of all parties;
- 3) receive all evidence and testimony and rule on its admissibility as well as require the production of any relevant document or witness;
- 4) rule on objections to evidence;
- 5) make a written report with recommendations to the Director which shall include findings of fact and conclusions of law with respect to the claim. Findings of fact shall be based exclusively on the evidence and on matters officially noticed; and
- 6) require any party or his attorney to provide proposed findings of fact or conclusion of law for consideration in his report.

b) General Provisions.

- 1) When a hearing is scheduled pursuant to this Act, the petitioner or his attorney shall be notified by certified or registered mail, return receipt requested, at least ten days prior to the date set for such hearing. Delivery of notice to the United States Postal Service shall constitute delivery.
- 2) A continuance shall be granted for good cause by the Director or his designee which shall be:
 - A) in writing, in duplicate and signed by the petitioner or his attorney and shall state the reasons for the request;
 - B) delivered to the Director or his designee at least three days prior to the scheduled hearing.
- 3) For the purposes of this paragraph good cause shall require the petitioner to demonstrate real and compelling need for additional time. It shall include but not be limited to illness, service in the armed forces, etc.
- 4) Failure to attend a hearing shall result in the dismissal of the party's petition and the assessment of the costs for such a hearing upon the party. A person whose petition has been so dismissed shall not resubmit until the assessed costs have been paid, unless he successfully petitions the Director for reconsideration, by establishing that his failure to attend was occasioned by events beyond his control and he exercised due diligence to attend or seek a continuance.
- 5) Any party to a proceeding may order a court reporter to transcribe the proceeding. If the petitioner makes the request, he shall pay all costs associated with said transcript. If the

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court reporter is ordered by the hearing officer, any party may purchase a transcript.

- 6) The Director shall assess all costs and attorneys' fees against any party who has unreasonably delayed a proceeding or has filed a claim in bad faith. "Unreasonable delay of a proceeding" shall be determined to exist upon a preponderance of evidence indicating that the petitioner is purposely delaying the hearing either actively or through inattention to detail. A determination of "filing a claim in bad faith" requires a preponderance of evidence that the hearing petition was filed merely to stay Department action with no intent for expeditious resolution of the contested issue.

c) Conduct of Hearings.

- 1) The hearing officer shall open the hearing by presenting for the record his letter of authorization from the Director. ~~The petitioner or his attorney shall then present his case and the proof thereof. The proof may include testimony, or any document relevant to the claim.~~
- 2) The rules of evidence and privilege as applied in civil cases in the Circuit Courts of this State shall be followed. The hearing officer may admit evidence not admissible under such rules if such evidence could be relevant to the case.
- 3) The hearing officer may on his own motion or the motion of one of the parties take notice of matters which the Circuit Courts of this State may take judicial notice. Notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge if parties are notified, before or during the hearing, and shall be afforded an opportunity to contest the material so noticed [5 ILCS 100/10-40(c)]. The burden of opposing any material admitted upon notice shall be upon the party so opposing.
- 4) No Department employee, or hearing officer shall, after notice of a hearing, communicate with any party or his attorney in connection with any issue in said hearing except upon notice and opportunity for all parties to participate.
- 5) The record of any hearing shall include:
 - A) all pleadings, and evidence received whether admitted or excluded;
 - B) a statement of all matters officially noticed;
 - C) all offers of proof, objections and rulings thereon;
 - D) all proposed findings and exceptions;
 - E) any decision, opinion, or report by the hearing officer;
 - F) any communication prohibited by this rule, although such communication shall not form the basis for any finding of fact;
 - G) any evidence excluded by the hearing officer, even though such evidence is not used in the determination of the claim;
 - H) a proceeding transcript which shall be recorded by such

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means as to adequately insure the preservation of the testimony.

6) Within sixty days after of the hearing or the receipt of all necessary documents, the hearing officer shall report to the Director, pursuant to 38 Ill. Adm. Code 190.20.

7) Within thirty days after receiving the report of the hearing officer, the Director shall issue his decision, which shall be served on claimant and other parties personally or by registered or certified mail, return receipt requested. Copies of the hearing officer's report to the Director are available upon written request from the petitioner.

d) Petition to Reconsider.

1) Within thirty days after receipt of the Director's decision, any party may petition the Director for reconsideration based upon a verified petition. An affidavit shall accompany the petition stating that the decision was against the manifest weight of the evidence, was contrary to law, or was arbitrary or capricious, and is affected by newly discovered evidence not in existence at the time of the initial hearing or which could not have been discovered using due diligence at that time.

2) The Director shall determine within fifteen days whether to reconsider the case. If reconsideration is allowed, a hearing shall be held pursuant to this Section ~~rule~~ and shall be limited to the issues raised by the petition and affidavit. If reconsideration is denied, the Director's initial decision shall be the final administrative decision of the Department.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Fire Prevention and Safety
- 2) Code Citation: 41 Ill. Adm. Code 100
- 3) Section Numbers: Proposed Action:
100.7 Amendment
100.110 Amendment
- 4) Statutory Authority: Section 9 of the Fire Investigation Act [425 ILCS 25/9]

5) A Complete Description of the Subjects and Issues Involved: By this Notice of Proposed Amendments, the Office is updating Part 100 to include specific requirements relative to the safety of occupancies located on permanently moored vessels and to make a technical correction in Section 100.110.

The amendment is being proposed as the result of notification to the Office of the State Fire Marshal by the United States Coast Guard (USCG) that a vessel previously under USCG jurisdiction has received "permanently moored status." Such permanently moored status results in USCG no longer holding jurisdiction over the vessel, and therefore no longer being responsible for fire and/or life safety on the vessel.

This notification has caused the Office to examine the currently applicable Life Safety Code published by the National Fire Protection Association as adopted by reference in the Part 100 rules. This examination revealed what the Office of the State Fire Marshal considers to be adequate criteria to offer general life safety and fire protection on the superstructure/occupied areas of a permanently moored vessel. However, the rules do not currently address the issue of the vessel's structural ability to support the occupancy contained thereon, and specifically, to remain afloat and upright. Furthermore, the OSFM believes that additional equipment and safety precautions are required when such permanently moored vessels are occupied for public assembly purposes.

The Office of the State Fire Marshal considers the vessel's ability to remain afloat and upright to be critical to the issue of life safety. Furthermore, the currently applicable Life Safety Code does not address the construction or fire protection of the terminal, pier or wharf at which the vessel is permanently moored. The Office of the State Fire Marshal likewise considers the stability and fire protection of the vessel's mooring to be critical to occupants' life safety.

The proposed rules reference standards from the Code of Federal Regulations that require permanently moored vessels to be designed, built and inspected in accordance with accepted industry practice to ensure

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safety. The referenced standards require certification of stability for passenger carrying capacity, compliance with one-compartment flooding criteria, and stability in the event of damage. Furthermore, these referenced standards include requirements for permanently moored vessels to undergo an annual survey to ensure the integrity of the vessel, including the condition of the hull and watertight bulkheads. Also, the rules require such permanently moored vessels to undergo drydock and internal structure examinations in accordance with schedules defined in referenced sections of the Code of Federal Regulations.

The rules also reference National Fire Protection Association Standard #307, Construction and Fire Protection of Marine Terminals, Piers and Wharves (1995 edition). This standard presents requirements for the construction, subdivision, and fire protection of the vessel's mooring location. The standard, available from the NFPA, addresses substructure and superstructure construction and protection features, as well as hydrant, hose connection, and water supply issues for piers and wharves.

The United States Coast Guard (USCG) has informed the Office of the State Fire Marshal that USCG jurisdiction and rule enforcement does not extend to permanently moored vessels, even if such vessels are moored in navigable waterways. Furthermore, the USCG has expressed that policy forbids that agency from assisting the Illinois OSFM with the inspection of a permanently moored vessel. The proposed amendments, therefore, require that representatives of a recognized classification society acceptable to the Office of the State Fire Marshal verify compliance with the referenced standards applicable to passenger carrying capacity and stability of a permanently moored vessel. Fire prevention inspectors of the Office of the State Fire Marshal will enforce the applicable sections of the Life Safety Code and NFPA Standard 307.

Finally, the proposed amendments require special safety precautions to be adhered to when the permanently moored vessel is occupied by a public assembly occupancy. (Public assembly occupancies, in accordance with definitions offered in the Life Safety Code, are those occupied by more than fifty occupants.) In such cases, the amendments propose that the vessel: (1) be equipped with an emergency generator capable of powering the vessel systems necessary to life safety; (2) be staffed by personnel trained to initiate firefighting and evacuation duties aboard vessels; and (3) in the event that the vessel is set adrift, be either capable of self-propulsion or serviced by a tugboat or tender capable of keeping the vessel at its dockside location.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

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8) Does this rulemaking contain incorporations by reference? Yes. The amendment references a document published by the National Fire Protection Association (NFPA Standard #307, Standard for the Construction and Fire Protection of Marine Terminals, Piers and Wharves - 1995 edition) as well as standards published in the Code of Federal Regulations.

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not expand a mandate upon local governments, small municipalities or non-profit organizations.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

Jack Ahern
Deputy State Fire Marshal
Division of Fire Prevention
Office of the State Fire Marshal
100 W. Randolph Street, Suite 11-800
Chicago, IL 60601
(312) 814-2693

Comments received within 45 days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Permanently moored vessels.

B) Reporting, bookkeeping or other procedures required for compliance: Compliance with the currently existing rules of the NFPA Life Safety Code and the proposed NFPA 307 standard is determined by on-site inspections conducted by representatives of the Office of the State Fire Marshal. Compliance with the referenced Code of Federal Regulations applicable to the passenger carrying capacity and stability of the permanently moored vessel is to be determined by submittal of written certification that defined inspections and procedures were witnessed by representatives of a recognized classification society approved by the Office of the State Fire Marshal.

C) Types of professional skills necessary for compliance: The amendment requires owners of permanently moored vessels to have inspections

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conducted in accordance with, and approved by, representatives of a recognized classification society approved by the Office of the State Fire Marshal.

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The amendment is being proposed as the result of notification to the Office of the State Fire Marshal by the United States Coast Guard (USCG) of the existence of a permanently moored vessel in Illinois. As explained earlier, the USCG has notified the Illinois OSFM that federal jurisdiction does not extend to permanently moored vessels. Examination of the requirements of the OSFM's Life Safety Code reveal adequate requirements to ensure life safety within the superstructure occupancy placed atop a permanently floating vessel. However, the Life Safety Code does not address the issue of the vessel's structural ability to support the occupancy contained thereon, and specifically to remain upright and afloat. The Office of the State Fire Marshal considers a vessel's ability to remain upright and afloat to be critical to the issue of life safety. Furthermore, the OSFM believes that additional equipment and safety precautions are required when such permanently moored vessels are occupied for public assembly purposes.

The full text of the Proposed Amendment begins on the next page:

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NOTICE OF PROPOSED AMENDMENT

TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 100

FIRE PREVENTION AND SAFETY

Section

- 100.1 Introduction
100.3 Title, Jurisdiction, Powers, Penalties, Right of Entry, Existing Structures
100.4 Building Construction Types
100.5 Fire Areas
100.7 Adoption of NFPA 101, Life Safety Code by Reference
100.110 Modification of NFPA N-F-P-A-101 (1985) for Existing Day Care Facilities and Programs

APPENDIX A Modification of Standards Referenced in NFPA 101

AUTHORITY: Implementing and authorized by Section 9 of the Fire Investigation Act [425 ILCS 25/9].

SOURCE: Illinois Rules and Regulations for Fire Prevention and Safety, amended September 24, 1973; amended January 8, 1974; Rules and Regulations relating to Fireworks filed October 8, 1974; codified at 5 Ill. Reg. 10673; amended at 6 Ill. Reg. 13021, effective December 15, 1982; amended at 7 Ill. Reg. 16399, effective January 1, 1984; amended at 9 Ill. Reg. 1009, effective July 1, 1985; Sections 100.81, 100.82 and 100.85 recodified to 41 Ill. Adm. Code 105.5, 105.10 and 105.20 at 11 Ill. Reg. 5992; Part repealed, new Part adopted at 12 Ill. Reg. 8017, effective August 1, 1988; emergency amendment at 13 Ill. Reg. 582, effective January 3, 1989, for a maximum of 150 days; emergency expired June 2, 1989; amended at 13 Ill. Reg. 12547, effective July 14, 1989; amended at 17 Ill. Reg. 19127, effective November 1, 1993; amended at 20 Ill. Reg. 13086, effective September 20, 1996; amended at 21 Ill. Reg. _____, effective _____.

Section 100.7 Adoption of NFPA 101, Life Safety Code by Reference

- a) For the purposes of subsections (b) and (c) of this Section:

- 1) "New facility" shall mean either a facility constructed after November 1, 1993, or any facility the occupancy (use) classification of which changes after November 1, 1993. Any alterations or installations of new equipment, either regulated by these rules or outlined in the Life Safety Code, shall be accomplished as nearly as practicable in conformance with the requirements for new construction.
- 2) "Existing facilities" are those not classified as "new facilities" by subsection (a)(1) of this Section.
- b) Applicable to existing facilities, as defined in subsection (a) of this Section, the Office of the State Fire Marshal adopts the "Code

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for Safety to Life from Fire in Buildings and Structures" as published by the National Fire Protection Association (NFPA 101) 1985 edition, Life Safety Code. This incorporation does not include any later amendments or editions.

- c) Applicable to any new facilities, as defined in subsection (a) of this Section, the Office of the State Fire Marshal adopts the following provisions of the "Code for Safety to Life from Fire in Buildings and Structures" as published by National Fire Protection Association (NFPA 101) 1991 edition, Life Safety Code to the extent those provisions do not conflict with the provisions of this Part. This incorporation does not include any later amendments or editions.

- Chapter 1. Administration
- Chapter 2. Fundamental Requirements
- Chapter 3. Definitions
- Chapter 4. Classification of Occupancy and Hazard of Contents
- Chapter 5. Means of Egress
- Chapter 6. Features of Fire Protection
- Chapter 7. Building Service and Fire Protection Equipment
- Chapter 8. New Assembly Occupancies
- Chapter 10. New Educational Occupancies
- Chapter 12. New Health Care Occupancies
- Chapter 14. New Detention and Correctional Occupancies
- Chapter 16. New Hotels and Dormitories
- Chapter 18. New Apartment Buildings
- Chapter 20. Lodging or Rooming Houses
- Chapter 22. New Residential Board and Care Occupancies
- Chapter 24. New Mercantile Occupancies
- Chapter 26. New Business Occupancies
- Chapter 28. Industrial Occupancies
- Chapter 29. Storage Occupancies
- Chapter 30. Special Structures and High-Rise Buildings
- Chapter 31. Operating Features
- Chapter 32. Referenced Publications

- d) The Life Safety Code becomes the code for Fire Prevention and Safety subject to the modifications set forth in this Part. NFPA 101, Life Safety Code (1985 and 1991 Editions) is on file with the Office of the State Fire Marshal at the following locations:

1035 Stevenson Drive
Springfield, Illinois 62703-4259

State of Illinois Building
100 W. Randolph Street
Chicago, Illinois 60601

2209 West Main Street
Marion, Illinois 62959

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Copies are available for purchase from:

National Fire Protection Association
Batterymarch Park
Quincy MA 02269

- e) Modifications to the Life Safety Code

- 1) Child Care Facilities
 - A) Day Care Centers. Those facilities regulated under Chapter 10-7 (Day-Care Centers) of the Life Safety Code shall include only:
 - i) any facility licensed as a Day Care Center by the Department of Children and Family Services;
 - ii) any unlicensed facility that regularly provides day care for less than 24 hours per day for more than 8 children in a family home, or more than 3 children in a facility other than a family home;
 - iii) part day child care facilities, as defined in the Child Care Act of 1969.
 - B) Day Care Homes. Those facilities regulated under Chapter 10-9 (Family Day-Care Homes) of the Life Safety Code shall include only:
 - i) any facility licensed as a day care home by the Department of Children and Family Services;
 - ii) any unlicensed facility that is a family home that receives more than 3 up to a maximum of 12 children for less than 24 hours per day. The number counted includes the family's natural or adopted children and all other persons under the age of 12. This subsection does not affect facilities that receive only children from a single household.
 - C) Group Day Care Homes. Those facilities regulated under Chapter 10-8 (Group Day-Care Homes) of the Life Safety Code shall include only:
 - i) any facility licensed as a group day care home by the Department of Children and Family Services; or
 - ii) any unlicensed facility that is a family home that receives more than 3 up to a maximum of 16 children for less than 24 hours per day. The number counted includes the family's natural or adopted children and all other persons under the age of 12.
 - D) For purpose of determining the classification of a child care facility, current Department of Children and Family Services guidelines will be applied.
- 2) Child-to-Staff Ratios
 - Child-to-Staff ratios in day care facilities shall comply with 89 Ill. Adm. Code 406 and 407 and with the Child Care Act of 1969. Any conflicting provisions of the Life Safety Code are

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- inapplicable.
- 3) One- and Two-Family Dwellings Chapter 21 (One- and Two-Family Dwellings) is adopted as recommended guidelines only.
- 4) When clients occupy a level below the level of exit discharge in a day care home or group day care home occupancy, exiting shall be provided in accordance with the requirements of the applicable edition of the Life Safety Code, or with the following:

- A) Primary Means of Egress
- i) If an exit discharging directly to the outside at the basement level is not provided, and therefore occupants must traverse another level of the home to exit, the path of egress through the level of exit discharge shall be separated from the remainder of that level of the home by construction providing a minimum fire resistance rating of 1-hour, or
 - ii) The home shall be equipped with smoke detectors permanently powered by the building's electrical system and wired so that the actuation of one detector will actuate all the detectors in the dwelling. At least one such smoke detector shall be located on each level of the occupancy (excluding unoccupied attics), and the path of egress through the level of exit discharge (from the basement door to the exterior door of the home) must be protected by automatic fire sprinklers. Listed residential sprinklers shall be used and the installation shall be made in accordance with National Fire Protection Association Standard #13D, Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes - 1994 edition.

B) Secondary Means of Egress

If a window is used where the size is not in accordance with the applicable edition of the Life Safety Code, the owner or operator of the day care or group day care home must demonstrate to an on-site representative of the Office of the State Fire Marshal that all occupants (staff and clients) can escape through the window to the exterior of the home in 3 minutes or less. The bottom sill of any window used as a secondary means of escape shall be within 44 inches of the floor as required by the Life Safety Code, or a permanently fixed stair or ramp shall be installed at the window to allow occupants to be within 44 inches of the bottom window sill when standing atop the stair or ramp.

5) Permanently Moored Vessels

- A) Occupancies located on permanently moored floating vessels are subject to compliance with the applicable occupancy chapter of the Life Safety Code, the fire safety standards

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contained in National Fire Protection Association Standard 307, Standard for the Construction and Fire Protection of Marine Terminals, Piers and Wharves (1995 edition) and the criteria listed in this Section.

- B) A stability test shall be conducted by the licensee in accordance with 46 CFR, Subchapter S, Part 170, Subpart F. In lieu of a stability test, the licensee may elect to perform a Deadweight Survey to determine the Lightweight Displacement and Longitudinal Center of Gravity. The Vertical Center of Gravity shall be determined by a conservative estimate, subject to approval by a marine authority acceptable to the Office of the State Fire Marshal.
- C) The intact stability characteristics for each vessel must comply with the following criteria:
- i) 46 CFR, Subchapter S, Part 170, Subpart E, Sections 170.160, 170.170, and 170.173.
 - ii) In lieu of compliance with Section 170.173, the licensee may elect to comply with alternate criteria for Vessels of Unusual Proportion and Form, as may be acceptable to the United States Coast Guard at that time, for certified passenger vessels.
 - iii) 46 CFR, Subchapter S, Part 171, Subpart E, Section 171.050.
- D) All permanently moored vessels shall be required to comply with a one-compartment standard of flooding, as outlined in 46 CFR 171.070, regardless of the passenger capacity of the vessel.
- E) All permanently moored vessels shall be required to comply with Damage Stability Standards of 46 CFR, Subchapter S, Part 171, Subpart C, Section 171.080.
- F) Additionally, all vessels must comply with requirements for Stability After Damage (Damage Righting Energy Criteria) as may be acceptable to the United States Coast Guard at that time for certified passenger vessels.
- G) Additionally, an annual survey shall be conducted of permanently moored vessels to determine if structural changes exist which may affect the stability of the vessel. The survey shall consist of the following:
- i) General inspection of the superstructure and layout of outfitting to ensure there are no changes to the approved arrangement that may affect the stability of the vessel;
 - ii) Inspection of the underdock spaces to ensure watertight integrity of the vessel is maintained;
 - iii) Inspection and report on the condition of the hull and watertight bulkheads;
 - iv) Inspection and report on the condition of water tight

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- doors and water tight bulkhead penetration; and
- v) Inspection and report on the condition of ventilator, hatch covers, and manhole covers.

This annual survey does not apply to United States Coast Guard Certified Vessels that are subject to their regulatory inspections.

- H) Written documentation of compliance with the requirements of subsections (e)(5)(B) through (G) shall be furnished to the Office of the State Fire Marshal by the owner of the permanently moored vessel. Such documentation shall be certified by a marine authority approved by the Office of the State Fire Marshal.

- I) Permanently moored vessels, when occupied as public assembly occupancies in accordance with definitions given in the Life Safety Code, shall:

- i) Be equipped with an on-board electrical generator, sized and installed so as to be capable of supplying emergency back-up power to any required fire alarm systems, fire suppression equipment, emergency lighting circuits, communication equipment, bilge pumps, or vessel propulsion equipment;

- ii) At all times occupied by more than fifty occupants, be staffed by personnel trained to initiate shipboard/vessel firefighting and evacuation duties; and

- iii) In the event of an emergency that causes the vessel to be set adrift, be either capable of self-propulsion or be serviced by a tugboat or tender capable of controlling the vessel.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 100.110 Modification of NFPA N-F-P-A- 101 (1985) for Existing Day Care

- a) Definitions:

"Day Care Center" and programs are defined in Section 2.09 of the Child Care Act of 1969 [225 ILCS 10/2.09] ~~---(Rev:--Stat:--1987--ch-23--par--2212-097).~~

"Child Care Facility" is defined in Section 2.05 of the Child Care Act of 1969 [225 ILCS 10/2.05] ~~---(Rev:--Stat:--1987--ch-23--par--2212-057).~~

"Existing" means those already in existence on August 1, 1988, for the building area and number of clients on that date.

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- b) Existing Day Care Facilities and programs subject to inspection by the Office pursuant to the Child Care Act of 1969 [225 ILCS 10] ~~---(Rev:--Stat:--1987--ch-23--par--2201-et-seq-7), and which provide care for children less than 24 hours per day, shall be inspected in accordance with Chapter 11 of NFPA N-F-P-A- 101 (1985).~~

- c) Child-to-Staff ratio shall comply with 89 Ill. Adm. Code 406 and 407 rather than ~~NFPA N-F-P-A- 101 (1985) Section 11-7.1.1.1.~~

- d) Detection, alarm and communication systems for Day Care Facilities and programs shall comply with the following rather than the provisions of NFPA 101 (1985), Section 11-7.3.4.

- i) Day Care Facilities and programs with 20 or more clients, or located above or below the level of exit discharge regardless of number of clients, shall be provided with a fire alarm system in accordance with NFPA 101 (1985) Section 7-6, and must adhere to the following ~~include:~~

- A) The facility must include a smoke detection system meeting the requirements of NFPA 72A (1985), with detectors installed:

- i) on the uppermost ceiling of each interior stairwell, and on every level (including basements), except in unoccupied attics, and at the beginning and end of each corridor 200 or more feet in length, and
- ii) in front of doors to stairwells and at intervals of no less than 30 feet in all corridors of all floors used by the child care facilities and programs, except in those facilities with smoke detection in every room off every corridor used by the child care facility and programs ~~---and~~

- B) Rate of rise/fixed temperature, fixed temperature, or other fire detectors (as described in NFPA 72A-E (1985)) shall be installed in boiler rooms, kitchens, and hazardous and combustible storage areas except where a sprinkler system with a flow alarm connected to the fire alarm system is installed in such rooms.

- C) Initiation of the fire alarm system, including occupant and emergency force notification, shall be by manual means and by operation of any required detectors.

- D) Occupant notification must be in accordance with NFPA 101 (1985) Section 7-6.3.7 ~~and~~

- E) Emergency force notification in accordance with NFPA 101 (1985) Section 7-6.4 (a)-(d) must be provided where the day care facilities and programs have 100 or more clients or are of a construction type that would require a sprinkler system based upon NFPA N-F-P-A- 101 (1985) Section 11-7.1.6.1 (see subsection (e) below for new table), except where all rooms occupied by the Day Care Facilities and programs have a direct exterior exit.

- F) Day Care Facilities and programs ~~programs~~ existing on August

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1, 1988 shall install the new alarm system by January 1, 1991 and maintain the fire alarm systems required by prior rules until the new systems are installed.

- 2) Day Care Facilities and programs with up to 19 clients shall have:

A) Smoke detectors meeting the requirements of NFPA 72 A-E or 74 (1984), installed as follows: If NFPA 74 Type detectors are used, they must be powered by the building electrical service. Detectors must be installed as follows:

- i) within 15 feet of each room used for sleeping purposes, and
- ii) at least one detector on each story or level of the facility, including basements but not including unoccupied attics, and
- iii) at the uppermost ceiling of each interior stairwell, except in fire resistive structures (NFPA 220 (1979) type I and type II (222) Construction types).

- iv) one detector at the beginning and one detector at the end of each corridor 200 or more feet in length in any story occupied or used by the Child Care Facilities and programs, including basements.

if NFPA-74 type detectors are used, they must be powered by the building electrical service.

- B) A telephone which is available, without the use of coins or unlocking devices, to call the fire department, or emergency force notification in accordance with NFPA 101 (1985) Section 706.4.

- C) The smoke detectors shall be installed by January 1, 1990.
- e) Table 11-7.1.6.1 is modified to eliminate the requirement for automatic sprinkler systems in one and two story day care centers based solely upon the construction type. For facilities with fewer less than 100 clients, the appropriate table is:

Type of Construction	Age Group	Below LED	LED
I (443)	0-5	F.A.	X
I (332)	6 & above	F.A.	X
II (222)			
II (111)	0-5	F.A.	X
III (211)	0-5	F.A.	X
V (111)			
IV (2HH)	0-5	F.A.	X
	6 & above	F.A.	X

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II (000) 0-5 F.A. X
6 & above F.A. X

III (200) 0-5 F.A.F.D. F.A.F.D.
V (000) 6 & above F.A.F.D. X

Stories Above LED
1 2 3 & above

F.A. F.A. F.A.
F.A. F.A. F.A.

F.A.F.D. N.P. N.P.
F.A. S. & F.A. N.P.

F.A.F.D. N.P. N.P.
F.A.F.D. N.P. N.P.

F.A.F.D. N.P. N.P.
F.A.F.D. N.P. N.P.

F.A.F.D. N.P. N.P.
F.A.F.D. N.P. N.P.

LED: Level of Exit Discharge N.P.: Not Permitted
F.A.: Permitted with Fire Alarm System

S: Permitted w/Sprinkler System X: Permitted
F.A.F.D.: Requires Fire Department notification if more than 20; required in all facilities of 100 or more.

- f) Child Care Facilities and programs existing on August 1, 1988 four feet or less below grade (or those considered four feet or less below grade) shall not be considered as a story below the level of exit discharge in applying Section 11-7.1.6.2 of NFPA 101 (1985). Also see Section 11-7.2.4.2.

- g) Door closures on corridor doors required by NFPA 101 (1985) Chapter 5, shall be installed by January 1, 1990 or, each room without a required door closure shall have a smoke detector, meeting the requirements of NFPA 72 A-E installed in each room without a door closure in addition to the required fire alarm system.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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POLLUTION CONTROL BOARD

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- 1) Heading of the Part: Pretreatment Programs
- 2) Code Citation: 35 Ill. Adm. Code 310
- 3) Section Numbers: 310.107
Proposed Action:
Amended
- 4) Statutory Authority: 415 ILCS 5/13, 13.3 and 27
- 5) A Complete Description of the Subjects and Issues Involved: Section 13.3 of the Environmental Protection Act [415 ILCS 5] requires the Board to adopt regulations which are "identical in substance" with federal regulations promulgated by the United States Environmental Protection Agency (USEPA) to implement the pretreatment requirements of Sections 307 and 402 of the Clean Water Act. The proposed amendments adopt amendments to the pretreatment regulations adopted by the USEPA between January 1, 1996 and June 30, 1996.

The USEPA revised its land disposal restrictions and amended its pretreatment regulations to require publicly owned treatment works to develop limits to address the land disposal restrictions. The Board amends its pretreatment regulations to update the incorporation by reference of the section amended by the USEPA.

A more detailed description of the amendments can be found in the Board's opinion in Docket R97-7 of January 9, 1997, which is available from the Pollution Control Board at the address below. Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that Section 5 of the Illinois Administrative Procedure Act (IAPA) shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first or second notice review by the Joint Committee on Administrative Rules.

- 6) Will this proposed rule(s) replace an emergency rule currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment, repealer contain incorporations by reference? Yes. The existing text of Part 310 has numerous incorporations by reference throughout various Sections. The present amendments update the incorporations to include changes in federal amendments that prompted this rulemaking.
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking is mandated by Section 13.3 of the Environmental Protection Act (Act). The stated

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statewide policy objectives are set forth in Section 11 of the Act. This rule imposes mandates on units of local government to the extent they pretreat industrial waste or operate a publicly owned treatment works required to have a pretreatment program.

- 11) Time, Place, and Manner in which interested persons may comment on this Proposed rulemaking: Send written comments concerning R97-7 within 45 days after this publication in the *Illinois Register* to:

Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, IL 60601
(312) 814-6931

All comments should be clearly marked with the docket number R97-7. Questions may be directed to Diane O'Neill at the Pollution Control Board at (312) 814-6062.

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: Industries disposing of industrial wastewaters into sewage collection systems of publicly owned treatment works.
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The present amendments will not change the way in which the existing regulations affect some small businesses.

- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. The present amendments will not change the way in which the existing regulations affect some small businesses.

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1996

The full text of the Proposed Amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 310

PRETREATMENT PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section	Applicability
310.101	Objectives
310.102	Federal Law
310.103	State Law
310.104	Confidentiality
310.105	Incorporations by Reference
310.107	Definitions
310.110	New Source
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SUBPART B: PRETREATMENT STANDARDS

Section	General Prohibitions
310.201	Specific Prohibitions
310.202	Specific Limits Developed by POTW
310.210	Local Limits
310.211	Categorical Standards
310.220	Category Determination Request
310.221	Deadline for Compliance with Categorical Standards
310.222	Concentration and Mass Limits
310.230	Dilution
310.232	Combined Wastestream Formula
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SUBPART C: REMOVAL CREDITS

Section	Special Definitions
310.301	Authority
310.302	Conditions for Authorization to Grant Removal Credits
310.303	Calculation of Revised Discharge Limits
310.310	Demonstration of Consistent Removal
310.311	Provisional Credits
310.312	Compensation for Overflow
310.320	Exception to POTW Pretreatment Requirement
310.330	Application for Removal Credits Authorization
310.340	Agency Review
310.341	Assistance of POTW
310.343	Continuance of Authorization
310.350	

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310.351 Modification or Withdrawal of Removal Credits

SUBPART D: PRETREATMENT PERMITS

Section

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Preamble

310.401 Pretreatment Permits

310.402 Time to Apply

310.403 Imminent Endangerment

310.410 Application

310.411 Certification of Capacity

310.412 Signatures

310.413 Site Visit

310.414 Completeness

310.415 Time Limits

310.420 Standard for Issuance

310.421 Final Action

310.421 Conditions

310.431 Duration of Permits

310.432 Schedules of Compliance

310.441 Effect of a Permit

310.442 Modification

310.443 Revocation

310.444 Appeal

SUBPART E: POTW PRETREATMENT PROGRAMS

Section

310.501 Pretreatment Programs Required

310.502 Deadline for Program Approval

310.503 Incorporation of Approved Programs in Permits

310.504 Incorporation of Compliance Schedules in Permits

310.505 Reissuance or Modification of Permits

310.510 Pretreatment Program Requirements: Development and Implementation by POTW

Program Approval

310.521 Contents of Program Submission

310.522 Content of Removal Allowance Submission

310.524 Agency Action

310.531 Defective Submission

310.532 Water Quality Management

310.533 Deadline for Review

310.541 Public Notice and Hearing

310.542 Agency Decision

310.543 USEPA Objection

310.544 Notice of Decision

310.545 Public Access to Submission

310.546 Appeal

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SUBPART F: REPORTING REQUIREMENTS

Section

310.601 Definition of Control Authority

310.602 Baseline Report

310.603 Compliance Schedule

310.604 Report on Compliance with Deadline

310.605 Periodic Reports on Compliance

310.606 Notice of Potential Problems

310.610 Monitoring and Analysis

310.611 Requirements for Non-Categorical **Standard Users**

310.612 Annual POTW Reports

310.613 Notification of Changed Discharge

310.621 Compliance Schedule for POTW's

310.631 Signatory Requirements for Industrial User Reports

310.632 Signatory Requirements for POTW Reports

310.633 Fraud and False Statements

310.634 Recordkeeping Requirements

310.635 Notification of Discharge of Hazardous Waste

SUBPART G: FUNDAMENTALLY DIFFERENT FACTORS

Section

310.701 Definition of Requester

310.702 Purpose and Scope

310.703 Criteria

310.704 Fundamentally Different Factors

310.705 Factors which are Not Fundamentally Different

310.706 More Stringent State Law

301.711 Application Deadline

310.712 Contents of FDF Request

310.713 Deficient Requests

310.714 Public Notice

310.721 Agency Review of FDF Requests

310.722 USEPA Review of FDF Requests

SUBPART H: ADJUSTMENTS FOR POLLUTANTS IN INTAKE

Section

310.801 Net/Gross Calculation by USEPA

SUBPART I: UPSETS

Section

310.901 Definition

310.902 Effect of an Upset

310.903 Conditions Necessary for an Upset

310.904 Burden of Proof

310.905 Reviewability of Claims of Upset

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310.906 User Responsibility in Case of Upset

SUBPART J: BYPASS

Section
310.910 Definition
310.911 Bypass Not Violating Applicable Pretreatment Standards or Requirements
310.912 Notice
310.913 Prohibition of Bypass

SUBPART K: MODIFICATION OF POTW PRETREATMENT PROGRAMS

Section
310.920 General
310.921 Procedures
310.922 Substantial Modifications

AUTHORITY: Implementing and authorized by Sections 13, 13.3, and 27 of the Environmental Protection Act [415 ILCS 5/13, 13.3 and 27].

SOURCE: Adopted in R86-44 at 12 Ill. Reg. 2502, effective January 13, 1988; amended in R88-18 at 13 Ill. Reg. 2463, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19243, effective November 27, 1989; amended in R89-12 at 14 Ill. Reg. 7608, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7346, effective April 27, 1992; amended in R95-22 at 20 Ill. Reg. 5533, effective April 1, 1996; amended in R96-12 at 20 Ill. Reg. 10671, effective July 24, 1996; amended in R97-7 at 21 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 310.107 Incorporations by Reference

- a) The following publications are incorporated by reference:
- 1) The consent decree in NRDC v. Costle, 12 Environment Reporter Cases 1833 (D.C. Cir. August 16, 1978).
 - 2) Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983, available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401.
- b) The following provisions of the Code of Federal Regulations are incorporated by reference:
- 40 CFR 2.302 (1994)
 - 40 CFR 25 (1994)
 - 40 CFR 122, Appendix D, Tables II and III (1994)
 - 40 CFR 128.140(b) (1977)
 - 40 CFR 136 (1995), as amended at 60 Fed. Reg. 39586, August 2,

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1995, 60 Fed. Reg. 44670, August 28, 1995 and 60 Fed. Reg. 53529, October 16, 1995
40 CFR 403 (1995), as amended at 61 Fed. Reg. 15566, April 8, 1996

40 CFR 403, Appendix D (1994)

- c) The following federal statutes are incorporated by reference:
- 1) Section 1001 of the Criminal Code (18 U.S.C. 1001) as of July 1, 1988;
 - 2) Clean Water Act (33 U.S.C. 1251 et seq.) as of July 1, 1988;
 - 3) Subtitles C and D of the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.) as of July 1, 1988.
- d) This Part incorporates no future editions or amendments.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Aid to Families with Dependent Children
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Numbers:

Proposed Action: Repeal

112.340
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 89-113

5) Complete Description of the Subjects and Issues Involved: In 1990, P.A. 86-1457/HB 3164 required the Department to expedite cash assistance benefits for qualified applicants being discharged from Department of Corrections' (DOC) facilities. As a result, the Department implemented New Start payments to individuals released from DOC facilities. Under the Department's "New Start" program, individuals released from a DOC facility who are qualified applicants and who appeared for the interview scheduled for them prior to their release by DOC were eligible to receive a one-time assistance payment, called a New Start payment, in the amount of the monthly payment level for the assistance unit size. New Start payments were received by the client within ten days following his or her release from the DOC facility.

In 1995, Public Act 89-113 removed the requirement that the Department have special application processing procedures to expedite applications for DOC inmates about to be released to the community. Public Act 89-113 indicates that special treatment is no longer to be given these individuals. Pursuant to provisions of Public Act 89-113, these proposed amendments repeal the provisions for New Start payments issued to individuals released from DOC facilities.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
112.10	Amendment	January 10, 1997 (21 Ill. Reg. 549)
112.66	New Section	August 16, 1996 (20 Ill. Reg. 10766)
112.71	Amendment	August 30, 1996 (20 Ill. Reg. 11560)
112.98	Amendment	April 26, 1996 (20 Ill. Reg. 5965)
112.352	Amendment	January 17, 1997 (21 Ill. Reg. 797)
112.354	Amendment	January 17, 1997 (21 Ill. Reg. 797)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- 112.414
- Amendment
- October 11, 1996 (20 Ill. Reg. 13138)
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor,
Springfield, IL 62762
(217) 524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

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NOTICE OF PROPOSED AMENDMENT

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112

AID TO FAMILIES WITH DEPENDENT CHILDREN

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Description of the Assistance Program
Incorporation by Reference

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Caretaker Relative
Client Cooperation
Citizenship
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Age
Relationship
Living Arrangement
Social Security Numbers
Assignment of Medical Support Rights
Lack of Parental Support or Care
Death of a Parent
Incapacity of a Parent
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Unemployment of the Parent
Employment Plan
Restriction in Payment to Households Headed by a Minor Parent

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Individuals Exempt from JOBS
JOBS Participation/Cooperation Requirements
Adolescent Parent Program
JOBS Initial Assessment Process/Development of an Employability Plan
Teen Parent Personal Responsibility Plan
JOBS Orientation
Conciliation and Fair Hearings
JOBS Components
JOBS Sanctions
Good Cause for Failure to Comply with JOBS Participation Requirements
Responsible Relative Eligibility for JOBS

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112.82 JOBS Supportive Services
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112.84 Work Experience Evaluation Project
112.85 Four Year College/Vocational Training Demonstration Project

SUBPART E: PROJECT ADVANCE

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112.87 Project Advance Experimental and Control Groups
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112.90 Project Advance Sanctions
112.91 Good Cause for Failure to Comply with Project Advance
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SUBPART F: EXCHANGE PROGRAM

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SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

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112.100 Unearned Income
112.101 Unearned Income of Stepparent or Parent
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112.110 Exempt Unearned Income
112.115 Education Benefits
112.120 Incentive Allowances
112.125 Unearned Income In-Kind
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112.127 Lump Sum Payments
112.128 Protected Income
112.130 Earned Income
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112.133 Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.134 Initial Employment
112.135 Budgeting Earned Income For Contractual Employees

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112.136 Budgeting Earned Income For Non-Contractual School Employees
112.137 Termination of Employment
112.138 Transitional Payments (Repealed)
112.140 Exempt Earned Income
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112.144 Income From Work/Study/Training Program
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112.146 Earned Income From Roomer and Boarder
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112.155 AFDC Income Limit

SUBPART H: PAYMENT AMOUNTS

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112.306 Foster Care Program
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112.308 Special Needs Authorizations
112.309 Institutional Status
112.315 Young Parent Program (Renumbered)
112.320 Redetermination of Eligibility
112.330 Extension of Medical Assistance Due to Increased Income from Employment
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112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)

112.340 New Start Payments to Individuals Released from Department of Corrections Facilities (Repealed)

SUBPART J: CHILD CARE

Section

112.350 Child Care

112.352 Child Care Eligibility

112.354 Qualified Provider

112.356 Notification of Available Services

112.358 Participant Rights and Responsibilities

112.362 Additional Service to Secure or Maintain Child Care Arrangements

112.364 Rates of Payment for Child Care

112.366 Method of Providing Child Care

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SUBPART K: TRANSITIONAL CHILD CARE

Section

112.400 Transitional Child Care Eligibility

112.404 Duration of Eligibility for Transitional Child Care

112.406 Loss of Eligibility for Transitional Child Care

112.408 Qualified Child Care Providers

112.410 Notification of Available Services

112.412 Participant Rights and Responsibilities

112.414 Child Care Overpayments and Recoveries

112.416 Fees for Service for Transitional Child Care

112.418 Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ICS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13,

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1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27,

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1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; amendatory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; amendatory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 1017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9227, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective

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April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6375, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of

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150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amendment at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. _____, effective _____.

Section 112.340 New Start Payments to Individuals Released from Department of Corrections Facilities (Repealed)

- a) Individuals--released--from--a--Department--of--Corrections--(DOC)--facility who--are--qualified--applicants--and--who--appear--for--the--interview scheduled--for--them--prior--to--their--release--by--DOC--are--eligible--to receive--a--one--time--assistance--payment--called--a--New--Start--Payment--in the--amount--of--the--monthly--payment--level--for--the--assistance--unit--size--the--New--Start--Payment--must--be--received--by--the--client--within--ten--(10) days--following--his/her--release--from--the--DOC--facility;
- b) A--qualified--applicant--is--described--as--any--specified--relative--(see--09 Ill--Adm--Code--101-20)--of--a--child(ren)--who--is--living--with--the--child(ren)--or--who--claims--they--will--be--living--with--the--child(ren)--in the--future;
- d) The--client--is--not--required--to--be--living--with--the--child(ren)--at--the time--of--his/her--release--or--at--the--time--of--the--local--office--interview as--long--as--the--client--claims--he/she--will--be--living--with--the--child(ren) in--the--future;
- e) Notwithstanding--anything--else--in--this--Section--the--client--is--not eligible--for--a--New--Start--Payment--if--the--client--is--not--a--parent--of--the child(ren)--for--whom--the--client--is--applying--and--the--child(ren)--is presently--receiving--APBC--benefits--with--a--parent;

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Related Program Provisions
- 2) Code Citation: 89 Ill. Adm. Code 117
- 3) Section Numbers: Proposed Action:
117.10 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: On August 30, 1996, at 20 Ill. Reg. 11593, amendments were published to implement the Electronic Benefits Transfer (EBT) System. These amendments establish, in part, that the assistance grant will be paid to an individual designated as the payee on the warrant or the individual authorized to use the Electronic Benefits Transfer (EBT) card. As a result of EBT, the Department became aware of the need for AABD clients to choose a representative payee.

These proposed amendments allow AABD clients, age 18 or over, the option of choosing a representative payee. These proposed amendments provide that:

1. For AABD clients under the age of 18, the client will not be the payee unless the client lives independently, is capable of managing his or her own affairs, does not have a guardian, and is approved for direct payment by the local office administrator. In all other situations, a representative payee must be assigned.
2. For AABD clients age 18 and over, unless the client has a legally-appointed guardian or the client is determined to be physically or mentally unable to manage the grant, the client will be the payee or the client may choose to have a representative payee. If the client has a legally-appointed guardian, the legally-appointed guardian will be assigned as the payee. If the client is physically or mentally unable to manage the grant, a representative payee must be assigned.

This rulemaking also incorporates provisions regarding the restrictions in payment to households headed by a minor parent (see 89 Ill. Adm. Code 112.67) into Section 117.10, Payee for Financial Assistance.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No

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9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
117.10	Amendment	August 30, 1996 (20 Ill. Reg. 11593)
117.11	New Section	August 30, 1996 (20 Ill. Reg. 11593)
117.12	New Section	August 30, 1996 (20 Ill. Reg. 11593)
117.13	New Section	August 30, 1996 (20 Ill. Reg. 11593)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this Proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, IL 62762
(217) 524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in

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response to these proposed amendments.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: It was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF PUBLIC AID

SUBCHAPTER VV: DISTRICT, COUNTY, TOWNSHIP AND SPECIAL ACT

MUTUAL COMPANIES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 117

RELATED PROGRAM PROVISIONS

Section

- 117.1 Incorporation By Reference
- 117.10 Payee For Financial Assistance
- 117.15 Reinstatement Upon Agreement to Cooperate
- 117.20 Replacement of Missing Warrants
- 117.30 Withholding of Rent (Repealed)
- 117.40 Recovery of Interim Assistance - Aid to the Aged, Blind or Disabled and General Assistance
- 117.50 Funerals and Burials
- 117.51 Funeral Home Services
- 117.52 Burial Expenses
- 117.53 Payment to Vendor(s)
- 117.54 Claims for Reimbursement
- 117.55 Submittal of Claims
- 117.60 Substitute Parental Care/Supplemental Child Care - AFDC, AABD and GA Family Cases
- 117.70 Charge for Replacement of Photo ID Cards (Repealed)
- 117.80 Direct Deposit of Recipients' Warrants
- 117.90 State Income Tax Match

AUTHORITY: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI, and 12-13].

SOURCE: Filed and effective December 30, 1977; amended at 2 Ill. Reg. 31, p. 69, effective August 3, 1978; amended at 3 Ill. Reg. 38, p. 258, effective September 20, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 16111, effective November 22, 1983; amended at 9 Ill. Reg. 3726, effective March 13, 1985; amended at 9 Ill. Reg. 4526, effective March 20, 1985; amended at 9 Ill. Reg. 8733, effective May 29, 1985; amended at 9 Ill. Reg. 10779, effective July 5, 1985; amended at 9 Ill. Reg. 16914, effective October 16, 1985; amended at 11 Ill. Reg. 4759, effective March 13, 1987; amended at 12 Ill. Reg. 2985, effective January 13, 1988; amended at 12 Ill. Reg. 13608, effective August 15, 1988; amended at 12 Ill. Reg. 14296, effective August 30, 1988; amended at 13 Ill. Reg. 3936, effective March 10, 1989; amended at 14 Ill. Reg. 780, effective January 1, 1990; amended at 14 Ill. Reg. 9488, effective June 1, 1990; amended at 15 Ill. Reg. 13533, effective August 1, 1991; amended at 16 Ill. Reg. 16644, effective October 23, 1992; emergency amendment at 17 Ill.

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Reg. 2368, effective February 8, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 8191, effective May 24, 1993; amended at 18 Ill. Reg. 3746, effective February 28, 1994; amended at 18 Ill. Reg. 7403, effective April 29, 1994; amended at 19 Ill. Reg. 1103, effective January 26, 1995; amended at 19 Ill. Reg. 10702, effective July 7, 1995; emergency amendment at 19 Ill. Reg. 15267, effective November 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 877, effective January 1, 1996; amended at 20 Ill. Reg. 5706, effective March 30, 1996; emergency amendment at 20 Ill. Reg. 10381, effective July 23, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 395, effective December 20, 1996; amended at 21 Ill. Reg. _____, effective _____.

Section 117.10 Payee For Financial Assistance

- a) The assistance grant shall be paid to an individual designated as the payee.
- b) The individual receiving assistance shall be designated as the payee with the following exceptions:
 - 1) When a client has a judicially appointed conservator or guardian, payment shall be made to the conservator or guardian unless other arrangements are made with the Department by the conservator or guardian.
 - 2) In a situation where no specified relative is available to act as payee, another person may act as Temporary Grantee for a period not to exceed 90 days.
 - 3) When a minor parent and his or her dependent child are required to live with the minor parent's parent, legal guardian, or other adult relative, or in an adult-supervised supportive living arrangement, then, where possible, the AFDC grant will be paid to the adult who is responsible for supervising the minor parent. Otherwise, the minor parent will receive the AFDC grant.
 - 4) For AABD clients under the age of 18, the client will not be the payee unless the client lives independently, is capable of managing his or her own affairs, does not have a guardian, and is approved for direct payment by the local office administrator. In all other situations, a representative payee must be assigned.
 - 5) For AABD clients age 18 and over, unless the client has a legally-appointed guardian or the client is determined to be physically or mentally unable to manage the grant, the client will be the payee or the client may choose to have a representative payee. If the client has a legally-appointed guardian, the legally-appointed guardian will be assigned as the payee. If the client is physically or mentally unable to manage the grant, a representative payee must be assigned.
 - 6) A protective payment plan (PPP) is initiated by the Department when a client has demonstrated mismanagement of funds to the detriment of the welfare of the client or family. Examples include but are not limited to:
 - A) A client defaults on an agreement made with a utility

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company and the Department in the client's behalf. In this instance, when the protective payee receives the assistance payment, payment on current and back utility charges only shall be paid by the payee; the balance of the payment shall be forwarded to the client each month.

B) For AFDC only - When a child in the assistance unit is determined to be neglected by the Department of Children and Family Services under Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5/3] and 89 Ill. Adm. Code 300.Appendix B.

C) For AFDC only - The case involves a record establishing that a parent or relative has been found guilty of public assistance fraud under Article VIIIA of the Illinois Public Aid Code [305 ILCS 5/Art. VIIIAV#1].

D) Nonpayment of rent for two months shall be considered as evidence of grant mismanagement.

E) Substance abuse by the caretaker relative is identified and another family member or friend is ensuring that the family's needs are being met.

F) For AFDC only - the health and well-being of a child in the assistance unit is at risk, as indicated by lack of regular school attendance, as defined by the school.

c) Notice shall be sent to the client before a protective payment plan is initiated. The notice shall inform the client of the right to appeal inclusion in a protective payment plan. (See 89 Ill. Adm. Code 104.)

d) The protective payee shall not receive compensation for the protective payee duties and must agree to assume responsibility for the expenditure of the assistance payment in behalf of the client.

e) The client's landlord or a vendor of goods or services to the client, with the exception of private welfare and social service agencies, shall not be designated as protective payee.

f) The Department may designate private welfare or social service agencies to serve as protective payees.

g) When no other suitable payee is available, the Department may appoint a member of its staff to act as protective payee. However, the staff acting as protective payee may not be:

1) a person determining the client's eligibility or level of assistance;

2) a person handling fiscal processing relating to the recipient;

3) investigative staff; or

4) a local office administrator.

h) The need for continuation of a protective payment plan and the performance of the protective payee shall be reviewed and evaluated by the Department as often as circumstances indicate, or, for AFDC cases, at least every 12 months.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Rights and Responsibilities

2) Code Citation: 89 Ill. Adm. Code 102

3) Section Numbers: Proposed Action:
102.270 Amendment
102.280 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 89-0489 (SB 1472), effective January 1, 1997.

5) Complete Description of the Subjects and Issues Involved: Pursuant to provisions of Public Act 89-0489 (SB 1472), these proposed amendments add the conviction under any law of the United States or of any state regarding public assistance or medical assistance fraud as a condition for which an applicant for public assistance will have to have the application reviewed by an administrative review board to determine the applicant's eligibility and the need for administrative safeguards to prevent any such further violations and for which a second violation will cause the applicant to be ineligible for public aid.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, Illinois 62762
Phone: (217) 524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by

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Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER a: GENERAL PROVISIONS

PART 102

RIGHTS AND RESPONSIBILITIES

Section	
102.1	Incorporation By Reference
102.10	Rights of Clients
102.20	Nondiscrimination
102.21	Voter Registration
102.25	Grievance Rights of Clients
102.30	Confidentiality of Case Information
102.35	Case Records
102.40	Freedom of Choice
102.50	Reporting Change of Circumstances
102.60	Referral Requirements
102.63	Reporting Child Abuse/Neglect
102.66	Suitability of Home
102.70	Notice to Client
102.80	Right to Appeal
102.81	Continuation of Assistance Pending Appeal
102.82	Time Limit for Filing an Appeal
102.83	Examining Department Records
102.84	Child Care
102.90	Voluntary Repayment of Assistance
102.100	Excess Assistance (Recodified)
102.110	Recoupment of Overpayments (Recodified)
102.120	Correction of Underpayments
102.200	Recovery of Assistance
102.210	Estate Claims
102.220	Real Property Liens
102.230	Filing and Renewal of Liens
102.235	Liens on Property of Institutionalized Recipients
102.240	Foreclosure of Liens
102.250	Release of Liens
102.260	Personal Injury Claims
102.270	Convictions of Fraud - Eligibility
102.280	Single Conviction of Fraud - Administrative Review Board

AUTHORITY: Implementing Article XI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. XI and 12-13].

SOURCE: Filed and effective December 31, 1977; peremptory rule at 2 Ill. Reg. 52, p. 449, effective December 13, 1978; amended at 2 Ill. Reg. 52, p. 462, December 23, 1978; peremptory amendment at 3 Ill. Reg. 11, p. 39, effective March 1, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979;

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amended at 3 Ill. Reg. 43, p. 196, effective October 15, 1979; amended at 5 Ill. Reg. 8035, effective July 27, 1981; amended at 5 Ill. Reg. 10775, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 7 Ill. Reg. 8350, effective July 1, 1983; amended at 8 Ill. Reg. 18910, effective September 26, 1984; amended at 9 Ill. Reg. 327, effective December 31, 1984; amended at 9 Ill. Reg. 3730, effective March 13, 1985; amended at 9 Ill. Reg. 6812, effective April 26, 1985; amended at 9 Ill. Reg. 7162, effective May 1, 1985; amended at 9 Ill. Reg. 13091, effective August 16, 1985; amended at 9 Ill. Reg. 14704, effective September 13, 1985; amended at 9 Ill. Reg. 15912, effective October 4, 1985; amended at 10 Ill. Reg. 3981, effective February 22, 1986; amended at 10 Ill. Reg. 14795, effective August 29, 1986; amended at 10 Ill. Reg. 19088, effective October 24, 1986; Sections 102.100 and 102.110 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; amended at 11 Ill. Reg. 14067, effective August 10, 1987; amended at 11 Ill. Reg. 18239, effective October 30, 1987; amended at 12 Ill. Reg. 3735, effective February 5, 1988; amended at 13 Ill. Reg. 3940, effective March 10, 1989; amended at 14 Ill. Reg. 13279, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 20078, effective December 3, 1990, for a maximum of 150 days; amended at 15 Ill. Reg. 7202, effective April 30, 1991; amended at 18 Ill. Reg. 273, effective December 28, 1993; amended at 18 Ill. Reg. 8938, effective June 3, 1994; amended at 19 Ill. Reg. 1108, effective January 26, 1995; emergency amendment at 19 Ill. Reg. 12320, effective August 14, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 883, effective December 29, 1995; amended at 21 Ill. Reg. 619, effective January 1, 1997; amended at 21 Ill. Reg. _____, effective _____.

Section 102.270 Convictions of Fraud - Eligibility

a) Multiple Convictions

Any person who has been found guilty of a criminal violation of Article VIIIA of the Illinois Public Aid Code [305 ILCS 5/Art. VIIIA] ~~that Rev--Stat--1985--ch--23--para--8-A-1-et-seq--77~~ or of any law of the United States or another state ~~State~~ which is substantially similar to ~~would constitute a criminal violation of~~ Sections 8A-2 through 8A-5 of Article VIIIA, two or more times, shall be ineligible for assistance under the GA program (in the City of Chicago) or the State AABD program ~~or the AMI program~~. Children for whom such a person is a caretaker relative shall remain eligible for assistance under this Code.

b) Single Convictions of \$10,000 or more

Any person who has been found guilty of a criminal violation of Article VIIIA of the Illinois Public Aid Code [305 ILCS 5/Art. VIIIA] ~~that Rev--Stat--1985--ch--23--para--8-A-1-et-seq--77~~, who has not previously been convicted of a criminal violation of Article VIIIA and has amassed \$10,000 or more in such criminal violation, shall be ineligible for assistance under the GA program (in the City of Chicago) or the State AABD program ~~or the AMI program~~ for period of two years following conviction or until the total amount of money,

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including the value of food stamps, is repaid, whichever first occurs. Children for whom such a person is a caretaker relative shall remain eligible for assistance.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 102.280 Single Conviction of Fraud - Administrative Review Board

Except as provided in Section 102.270, any person who has been found guilty of a criminal violation of Article VIIIA of the Illinois Public Aid Code [305 ILCS 5/Art. VIIIA] or of any law of the United States or of any state which is substantially similar to Sections 8A-2 through 8A-5 for violations related to public assistance programs ~~that Rev--Stat--1985--ch--23--para--8-A-1-et-seq--77~~ and who has not previously been convicted for a criminal ~~criminal~~ violation of Article VIIIA or of any law of the United States or of any state which is substantially similar to Sections 8A-2 through 8A-5 for violations related to public assistance programs shall be subject to the provisions of this Section upon filing a subsequent application for public assistance under AFDC, AMI, AABD, Refugee Assistance, or the GA program (in the City of Chicago).

a) The application will be reviewed by an Administrative Review Board (ARB) prior to approval or disapproval. The ARB shall consist of the Local Office Administrator of the local office where the application is made and a representative of the ~~Zone Regional~~ Office, appointed by the ~~Zone Regional~~ Office Administrator.

b) The review by the ARB shall be for the purpose of determining the person's eligibility for assistance and to determine whether any additional administrative safeguards are required to prevent any future violations of Article VIIIA.

c) The review shall be informal. The applicant will be notified in writing of the review at least five (5) days in advance. The review will be held in the county where the applicant resides. The applicant may attend the review, and may bring other persons to the review to speak on his or her ~~his/her~~ behalf, including an attorney, relatives or friends. The review shall be open to the public, unless the applicant and the ARB determine otherwise. The review shall be held within such a time as not to delay the decision on the application beyond the time allowed under State and Federal law and regulations. (See 89 Ill. Adm. Code 110.20.)

d) If the ARB determines the applicant is not eligible for public assistance, based on applicable eligibility factors of the program or programs for which the applicant is applying, the applicant will be notified in the same manner as other applicants. The applicant shall be entitled to appeal any decision of denial. (The grounds for appeal and appeal procedure to be followed is found at 89 Ill. Adm. Code 102 and 104.)

e) If the ARB determines the applicant is eligible for public assistance, the ARB shall also determine what administrative safeguards, if any,

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are required to ensure that the person does not commit further violations of Article VIII.A. Such safeguards shall be based on the individual factors of each case and may include, but are not limited to, more frequent home visits, more frequent reports regarding financial or other factors, appointment of a substitute payee, or any other actions which are permitted by State and Federal law and regulations.

f) The applicant will be notified, in writing, of the decision of the ARB and an explanation of the administrative safeguards required in his or her ~~his/her~~ case. The applicant shall be entitled to appeal any decision of the ARB.

g) The Administrative Review Board of the Department shall review the necessity for any administrative safeguard every six ~~67~~ months. At the review, the necessity to continue or reverse the administrative safeguards will be determined.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Intergovernmental Joint Insurance Pool Annual Audited Financial Statement
- 2) Code Citation: 50 Ill. Adm. Code 2405
- 3) Section Number:

2405.10	Adopted Action:
2405.20	New Section
2405.30	New Section
2405.40	New Section
- 4) Statutory Authority: Implementing and authorized by Section 6 of the Intergovernmental Cooperation Act [5 ILCS 220/6].
- 5) Effective Date of Rule: January 14, 1997
- 6) Does this Rule contain an automatic repeal date? No
- 7) Does this Rule contain incorporations by reference? Yes. Please see Section 2405.40(a) and (b)(1)(A).
- 8) Date filed in Agency's Principal Office: January 14, 1997
- 9) Notice of Proposal Published in Illinois Register: March 1, 1996, 20 Ill. Reg. 3673
- 10) Has JCAR issued a Statement of Objections to this Rule? No
- 11) Difference(s) between proposal and final version:
 - a) In the title to this Part change "REPORT" to "STATEMENT".
 - b) In the main authority note delete ", and Section 401 of the Illinois Insurance Code [215 ILCS 5/401]".
 - c) In the main source note delete "January 1, 1997".
 - d) Section 2405.20 - Delete the entire definition of "Independent Actuarial Opinion".
 - e) Section 2405.20 - "Independent Certified Public Accountant" - On the fourth line change "CPA's" to "Certified Public Accountants".
 - f) Section 2405.20 - Add "Net Worth means the difference between a Pool's assets and liabilities".
 - g) Section 2405.30(b)(1) - Change "A general statement of purposes" to "Legal name of the Pool".
 - h) Section 2405.30(b)(2) - Change "A list of names, addresses, official positions and biographical affidavits of the persons responsible for the conduct of the affairs of the Pool." to "Contact person and telephone number."
 - i) Section 2405.30(b)(3) - Change "Location" to "Address".
 - j) Section 2405.30(b)(4) - Delete "participating in" and add "which are

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present or past participants in the Pool, denoting for each participant the fiscal year(s) of the Pool in which the public agency was provided coverage by" in lieu thereof.

k) Section 2405.30(c) - Delete.

l) Section 2405.40 - Add "a)" before the introductory paragraph. On the second line delete "an". On the third line change "financial statement" to "Financial Statement". On the fourth line following "principles," add "for Public Entity Risk Pools, pursuant to Governmental Accounting Standards Board (GASB) (401 Merritt 7, P.O. Box 5116, Norwalk, CT 06856-5116) (Codification of Governmental Accounting and Financial Reporting Standards, as of June 30, 1996, no subsequent dates or editions); supplemented, where applicable, pursuant to standards promulgated by the Public Risk Management Association Advisory Standards for Public Entity Pools (PRIMA, 1996, no subsequent dates or editions)". Finally, on the second to the last line of the introductory paragraph delete the first "the" and change "surplus funds" to "net worth".

m) Section 2405.40(a) (as proposed) - Change "a)" to "b)". On the first line change "financial" to "Financial", delete "report" and add "Statements" in lieu thereof. Also on the first line following "include" add "without implied limitation". After "following" add "reported in sufficient detail and including appropriate notes to achieve fair presentation in accordance with generally accepted accounting principles".

n) Section 2405.40(a)(1) (as proposed) - Add "The" and change "Report" to "report". Also on the first line change "an" to "the". On the second line change "accountant." to "accountant, including:".

o) Delete all remaining text proposed at subsections 2405.40(a)(2) through (6) and add the following in lieu thereof as new subsection 2405.40(b)(1)(A) through (5).

"A) A certification that the Financial Statements were prepared in accordance with generally accepted auditing standards, AICPA Professional Standards, published for the American Institute of Certified Public Accountants by CCH, Inc., 4025 W. Peterson Avenue, Chicago, IL 60646, June 1996, no subsequent dates or editions.

B) A certification that the independent audit upon which the Financial Statements are based was conducted in accordance with generally accepted accounting standards.

C) An expression of the independent certified public accountant's opinion regarding the Financial Statements, taken as a whole, or an assertion to the effect that an opinion cannot be expressed. When an overall opinion cannot be expressed, the reasons therefore should be stated. In all cases where the independent certified public accountant's name is associated with the Financial Statements, the Report should contain a clear-cut indication of the character of the auditor's work, if any, and the degree of responsibility the auditor is taking.

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2) A balance sheet reporting assets, liabilities and net worth, which shall also include a comparative balance sheet as of the end of the second preceding fiscal year for any pool which has been in existence for more than one fiscal year.

3) An income statement describing gain or loss from operations, which shall also include a comparative statement of gain or loss from operations as of the end of the second preceding fiscal year for any pool which has been in existence for more than one year.

4) A statement of cash flows, which shall also include a comparative statement of cash flow as of the end of the second preceding fiscal year for any pool which has been in existence for more than one fiscal year.

5) A statement of changes in net worth, which shall also include a comparative statement of changes in net worth as of the end of the second preceding fiscal year for any pool which has been in existence for more than one fiscal year."

p) Section 2405.40(b) (as proposed) - Delete.

12) Have all changes agreed upon by the agency and JC&R been made as indicated in the agreement letter issued by JC&R? Yes

13) Will this Rule replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of rulemaking: Pursuant to P.A. 89-97, effective July 7, 1995 [5 ILCS 220/6], the Director of Insurance is required to promulgate regulations to implement audit and reporting requirements for local government joint self insurance pools.

16) Information and questions regarding this adopted Rule shall be directed to:

Etta Mae Credi
Assistant Deputy Director
Corporate Regulation Division
Department of Insurance
320 West Washington
Springfield, IL 62767-0001
(217) 782-1757

The full text of the Adopted Rule begins on the next page:

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TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER 6d: DIRECTOR OF INSURANCE,
HEARINGS AND REVIEW

PART 2405
INTERGOVERNMENTAL JOINT INSURANCE POOL
ANNUAL AUDITED FINANCIAL STATEMENT

Section	Purpose
2405.10	Definitions
2405.20	Registration
2405.30	Financial Statements

AUTHORITY: Implementing and authorized by Section 6 of the Intergovernmental Cooperation Act [5 ILCS 220/6].

SOURCE: Adopted at 21 Ill. Reg. 1177, effective JAN 14 1997.

Section 2405.10 Purpose

The purpose of this Part is to set forth standards for an annual audit and report required of joint insurance pools operating pursuant to the authority granted under Section 6 of the Intergovernmental Cooperation Act [5 ILCS 220/6].

Section 2405.20 Definitions

Director means the Director of the Illinois Department of Insurance.

Independent Certified Public Accountant means an independent certified public accountant or independent accounting firm in good standing with the American Institute of Certified Public Accountant's, which is registered to practice in Illinois.

Net Worth means the difference between a Pool's assets and liabilities.

Pool means the joint self-insurance pool created by intergovernmental contract pursuant to Section 6 of the Intergovernmental Cooperation Act [5 ILCS 220/6].

Section 2405.30 Registration

- a) Each Pool operating prior to January 1, 1997 shall register with the

DEPARTMENT OF INSURANCE

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Director within 60 days thereof. In addition, each Pool shall annually register with the Director no later than March 1st of each year.

- b) Each registration shall include:

- 1) Legal name of the Pool.
- 2) Contact person and telephone number.
- 3) Address of the administrative offices of the Pool.
- 4) A list identifying the public agencies which are present or past participants in the Pool, denoting for each participant the fiscal year(s) of the Pool in which the public agency was provided coverage by the Pool.

Section 2405.40 Financial Statements

- a) Each Pool shall, no later than 150 days after the end of its immediately preceding fiscal year, file with the Director audited Financial Statements, prepared in accordance with generally accepted accounting principles for Public Entity Risk Pools, pursuant to Governmental Accounting Standards Board (GASB) (401 Merritt 7, P.O. Box 5116, Norwalk, CT 06856-5116) (Codification of Governmental Accounting and Financial Reporting Standards, as of June 30, 1996, no subsequent dates or editions); supplemented, where applicable, pursuant to standards promulgated by the Public Risk Management Association Advisory Standards for Public Entity Pools (PRIMA, 1996, no subsequent dates or editions), reporting the financial condition of the Pool as of the end of its immediately preceding fiscal year and changes in net worth for the year then ending.

- b) The annual audited Financial Statements shall include without implied limitation the following reported in sufficient detail and including appropriate notes to achieve fair presentation in accordance with generally accepted accounting principles:

- 1) The report of the independent certified public accountant including:
 - A) A certification that the Financial Statements were prepared in accordance with generally accepted auditing standards, AICPA Professional Standards, published for the American Institute of Certified Public Accountants by CCH, Inc., 4025 W. Peterson Avenue, Chicago, IL 60646, June 1996, no subsequent dates or editions.
 - B) A certification that the independent audit upon which the Financial Statements are based was conducted in accordance with generally accepted accounting standards.
 - C) An expression of the independent certified public accountant's opinion regarding the Financial Statements, taken as a whole, or an assertion to the effect that an opinion cannot be expressed. When an overall opinion is not expressed, the reasons therefore should be stated. In all cases where the independent certified public accountant's

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name is associated with the Financial Statements, the Report should contain a clear-cut indication of the character of the auditor's work, if any, and the degree of responsibility the auditor is taking.

- 2) A balance sheet reporting assets, liabilities and net worth, which shall also include a comparative balance sheet as of the end of the second preceding fiscal year for any pool which has been in existence for more than one fiscal year.
- 3) An income statement describing gain or loss from operations, which shall also include a comparative statement of gain or loss from operations as of the end of the second preceding fiscal year for any pool which has been in existence for more than one year.
- 4) A statement of cash flows, which shall also include a comparative statement of cash flow as of the end of the second preceding fiscal year for any pool which has been in existence for more than one fiscal year.
- 5) A statement of changes in net worth, which shall also include a comparative statement of changes in net worth as of the end of the second preceding fiscal year for any pool which has been in existence for more than one fiscal year.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Requirements for New Steel and Foundry Industry Wastes Landfills
- 2) Code Citation: 35 Ill. Adm. Code 817
- 3) Section Numbers: Adopted Action:
817.309 Amended
- 4) Statutory Authority: Implementing Sections 5, 21, 21.1, 22, 22.17, and 28.1, and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 21, 21.1, 22, 22.17, 28.1, and 27].
- 5) Effective Date of Rulemaking: January 14, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 26, 1996
- 9) Notice of Proposal Published in Illinois Register: August 30, 1996, 20 Ill. Reg. 11554
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were suggested.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: A complete description of this Section 817.309 rulemaking is included in the Board's January 9, 1997 opinion and order in Docket R96-3, which is available at the address below. Specifically, the rulemaking deals with landfills which receive only potentially usable steel and foundry industry wastes, and the location standards for those facilities with respect to Class I and Class III groundwaters.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Audrey Lozuk-Lawless
Illinois Pollution Control Board

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P.O. Box 505
DeKalb, IL 60115
(815) 753-0947

The full text of the Adopted Amendment begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER I: SOLID WASTE AND SPECIAL WASTE HAULING

PART 817

REQUIREMENTS FOR NEW STEEL AND FOUNDRY INDUSTRY WASTES LANDFILLS

SUBPART A: GENERAL REQUIREMENTS

Section
817.101
817.103
817.104
817.105
817.106
817.107

Scope and Applicability
Determination of Waste Status
Sampling Frequency
Waste Classification
Waste Classification Limits
Waste Mining

SUBPART B: STANDARDS FOR MANAGEMENT OF BENEFICIALLY
USABLE STEEL AND FOUNDRY INDUSTRY WASTES

Section
817.201
817.202
817.203
817.204

Scope and Applicability
Limitations on Use
Notification
Long-Term Storage

SUBPART C: STEEL AND FOUNDRY INDUSTRY POTENTIALLY
USABLE WASTE LANDFILLS

Section
817.301
817.302
817.303
817.304
817.305
817.306
817.307
817.308
817.309

Scope and Applicability
Design Period
Final Cover
Final Slope and Stabilization
Leachate Sampling
Load Checking
Closure
Nuisance Precautions
Facility Location

SUBPART D: NEW STEEL AND FOUNDRY INDUSTRY LOW RISK WASTE
LANDFILLS

Section
817.401
817.402

Scope and Applicability
Facility Location

POLLUTION CONTROL BOARD

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817.403	Design Period
817.404	Foundation and Mass Stability Analysis
817.405	Foundation Construction
817.406	Liner Systems
817.407	Leachate Drainage System
817.408	Leachate Collection System
817.409	Leachate Treatment and Disposal System
817.410	Final Cover System
817.411	Hydrogeologic Site Investigations
817.412	Plugging and Sealing of Drill Holes
817.413	Groundwater Impact Assessment
817.414	Design, Construction and Operation of Groundwater Monitoring Systems
817.415	Groundwater Monitoring Programs
817.416	Groundwater Quality Standards
817.417	Waste Placement
817.418	Final Slope and Stabilization
817.419	Load Checking

SUBPART E: CONSTRUCTION QUALITY ASSURANCE PROGRAMS

Section	Scope and Applicability
817.501	

APPENDIX A Organic Chemical Constituents List

AUTHORITY: Implementing Sections 5, 21, 21.1, 22, 22.17 and 28.1, and authorized by Section 27, of the Environmental Protection Act [415 ILCS 5/5, 5/21, 5/21.1, 5/22, 5/22.17, 5/28.1 and 5/27].

SOURCE: Adopted in R90-26(A) at 18 Ill. Reg. 12411, effective August 1, 1994; amended in R90-26(B) at 18 Ill. Reg. 14370, effective September 13, 1994; amended in R96-3 at 21 Ill. Reg. 1183, effective JAN 1.

SUBPART C: STEEL AND FOUNDRY INDUSTRY POTENTIALLY USABLE WASTE LANDFILLS

Section 817.309 Facility Location

- a) No part of a unit shall be located within a setback zone established pursuant to Section 14.2 or 14.3 of the Act.
- b) No part of a unit shall be located within the recharge zone or within 366 meters (1200 feet), vertically or horizontally, of that portion of a stratigraphic unit containing Class I or Class III groundwater as defined at 35 Ill. Adm. Code 620, unless:
 - i) There ~~there~~ is a stratum between the bottom of the waste disposal unit and the top of the Class I and III groundwater that meets the following minimum requirements:
 - A) The stratum has a minimum thickness of 15.2 meters (50

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- feet);
- B) The maximum hydraulic conductivity in both the horizontal and vertical directions is no more than 1 x 10⁻⁷ centimeters per second, as determined by in situ borehole or equivalent tests;
- C) There is no indication of continuous sand or silt seams, faults, fractures or cracks within the stratum that may provide paths ~~parts~~ for migration; and
- D) Age dating of extracted water samples from both the aquifer and the stratum indicates that the time of travel for water percolating downward through the relatively impermeable stratum is no faster than 15.2 meters (50 feet) in 100 years; or

- 2) The owner or operator of the unit has demonstrated to the Agency, through the use of a site-specific groundwater model, or through other appropriate means, such as historical knowledge of local conditions or regional geological and hydrogeological data, that operation of the unit will not adversely impact any existing Class III groundwater or impact any Class I groundwater such that treatment or further treatment will be required to allow reasonable use of such Class I groundwater for potable water supply purposes.

A) Factors to be considered in evaluating whether a Class I groundwater may be reasonably used for potable supply purposes include, but are not limited to:

- i) Physical or technological practicability of development;
- ii) Existence of deed restrictions or other legal mechanisms for imposing a restriction on land use; and
- iii) The nature of an existing use of the groundwater.

B) In performing groundwater modeling, the owner or operator shall:

- i) Estimate the amount of seepage from the unit during operations assuming that the actual design standards for the unit apply;
- ii) Determine the concentration of constituents in the leachate from actual leachate samples from the waste or similar waste, or laboratory-derived extracts;
- iii) Collect information to develop the site-specific groundwater model (e.g., hydraulic conductivity, gradients, hydrogeology, stratigraphy);
- iv) Develop a conceptual groundwater flow model of the site to determine the soil units through which leachate may migrate;
- v) If leachate from the unit is expected to contain organic constituents in excess of the MCLs for beneficial usable waste, determine the organic carbon content for soil units through which the leachate

POLLUTION CONTROL BOARD

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- constituents may migrate; and
- vi) Determine the retardation factor for constituents of interest based on traditional hydrogeological methods.
- c) Subsection (b) shall not apply to units that accept only beneficially useable waste.
- d) A facility located within 152 meters (500 feet) of the right of way of a township or county road or State or interstate highway shall have its operations screened from view by a barrier of natural objects, fences, barricades or plants no less than 2.44 meters (8 feet) in height.
- e) No part of a unit shall be located closer than 152 meters (500 feet) from an occupied dwelling, school or hospital that was occupied on the date when the operator first applied for a permit to develop the unit or the facility containing the unit, unless the owner of such dwelling, school or hospital provides permission to the operator, in writing, for a closer distance.

(Source: Amended at 21 Ill. Reg. **1183**, effective JAN 1 1997)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Child Support Enforcement
- 2) Code Citation: 89 Ill. Adm. Code 160
- 3) Section Numbers: Adopted Action: 160.70 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: January 10, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 10, 1997
- 9) Notice of Proposal Published in Illinois Register: May 24, 1996 (20 Ill. Reg. 7288)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: The following changes were made in the text of the proposed amendments:
1. In Section 160.70(c)(2)(B)(iii), "inadvertantly" was changed to "inadvertently".
2. In Sections 160.70(f)(1)(3) and (4), "[735 ILCS 5/12-101 et seq.]" was changed to "[735 ILCS 5/Art. XII]".
- No other changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
160.10	Amendment	September 20, 1996 (20 Ill. Reg. 12567)
160.30	Amendment	October 25, 1996 (20 Ill. Reg. 13894)
160.35	Amendment	October 25, 1996 (20 Ill. Reg. 13894)
160.60	Amendment	October 25, 1996 (20 Ill. Reg. 13894)
160.61	Amendment	October 25, 1996 (20 Ill. Reg. 13894)
160.62	New Section	October 25, 1996 (20 Ill. Reg. 13894)

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160.71 New Section September 20, 1996 (20 Ill. Reg. 12567)

- 15) **Summary and Purpose of Amendments:** Pursuant to provisions of Public Law 103-432, these amendments revise procedures for the referral of cases involving past-due support to consumer reporting agencies. As a result of this rulemaking, specified information concerning responsible relatives in Title IV-D cases will be reported to consumer reporting agencies by the Department when the amount of past-due support is or exceeds that required for intercepting federal income tax refunds as provided in 89 Ill. Adm. Code 160.70(c)(2)(A). This threshold reduction is intended to result in an even greater number of responsible relatives choosing to meet their child support obligations in order to avoid being reported to a consumer credit bureau.

The current rule provides that the Department provide information concerning the payment records of responsible relatives to consumer reporting agencies in the event that the past-due amount exceeds \$1,000. The reporting threshold is \$1,000 regardless of case type. In addition, the reporting requirement under the present rule is conditional upon the request of consumer reporting agencies.

The proposed modification requires the Department to report specified information when the delinquency is or exceeds that required for intercepting federal income tax refunds. For IV-D AFDC and IV-D foster care cases, the Department will report the delinquency when the amount is or exceeds \$150. For IV-D Non-AFDC cases, the Department will report the delinquency when the amount is or exceeds \$500. This rulemaking is designed to enhance an existing tool for enforcing child support obligations. It is presumed that the lowering of the threshold for reporting of past-due information to consumer reporting agencies will result in a greater number of responsible relatives choosing to pay past-due child support amounts.

A review conducted in FY 1992 suggested that nearly 35,673 individuals were reported to consumer reporting agencies for failure to pay past-due child support amounts. An estimate of the number of individuals who might presently be subject to such reporting (at the \$1,000 threshold) is 42,674. The lowering of the threshold may serve to result in a substantial (e.g., doubling of present reports) increase to a projected 85,348 upon adoption of this rule.

While the lowering of this threshold would not result in any additional costs to the Department, it could serve to potentially increase collections. If 1% of those individuals faced with consumer credit reporting paid their full past-due obligation as a direct consequence of such a prospect, the resulting positive increase in collections would be \$300,000.

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These amendments also establish that upon the determination that a responsible relative owes past-due support above the threshold provided by the rule, the Department will proceed to notify the individual at least 15 days prior to furnishing past-due support information to consumer reporting agencies. The period of time for contesting the result of this determination has been shortened by this proposed rulemaking from 30 to 15 days.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-0081

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER f: COLLECTIONS

PART 160

CHILD SUPPORT ENFORCEMENT

SUBPART A: GENERAL PROVISIONS

Section
160.1 Incorporation By Reference
160.5 Definitions
160.10 General Provisions
160.12 Administrative Accountability Process
160.15 Application Processing Fee for IV-D Non-AFDC Cases
160.20 Assignment of Rights to Support
160.25 Recoupment

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section
160.30 Cooperation With Support Enforcement Program
160.35 Good Cause For Failure to Cooperate With Support Enforcement
160.40 Proof of Good Cause For Failure to Cooperate With Support Enforcement
160.45 Suspension of Child Support Enforcement Upon Finding of Good Cause

SUBPART C: ESTABLISHMENT AND MODIFICATION OF
CHILD SUPPORT ORDERS

Section
160.60 Establishment of Support Obligations
160.61 Uncontested and Contested Administrative Paternity and Support Establishment
160.65 Modification of Support Obligations

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section
160.70 Enforcement of Support Orders
160.75 Withholding of Income to Secure Payment of Support
160.77 Past Due Support Information to State Licensing Agencies
160.80 Amnesty - 20% Charge
160.85 Diligent Efforts to Serve Process

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

Section
160.90 Earmarking Child Support Payments

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SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

Section
160.100 Distribution Of Child Support For AFDC Recipients
160.110 Distribution Of Child Support For Former AFDC Recipients Who Continue To Receive Child Support Enforcement Services
160.120 Distribution Of Child Support Collected While The Client Was An AFDC Recipient, But Not Yet Distributed At The Time The AFDC Case Is Cancelled
160.130 Distribution Of Intercepted Income Tax Refunds and Other State Payments

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

Section
160.140 Statement Of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

Section
160.150 Department Review Of Distribution Of Child Support For AFDC Recipients
160.160 Department Review Of Distribution Of Child Support For Former AFDC Recipients

AUTHORITY: Implementing and authorized by Art. X and Sections 4-1.7, 12-4.3 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/4-1.7, Art. X, 12-4.3 and 12-13].

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 15 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993; amended at 17 Ill. Reg. 18844, effective October 18, 1993; amended at 18 Ill. Reg. 697, effective January 10, 1994; amended at 18 Ill. Reg. 12052, effective July 25, 1994; amended at 18 Ill. Reg. 15083, effective September 23,

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1994; amended at 18 Ill. Reg. 17886, effective November 30, 1994; amended at 19 Ill. Reg. 1314, effective January 30, 1995; amended at 19 Ill. Reg. 8298, effective June 15, 1995; amended at 19 Ill. Reg. 12675, effective August 31, 1995; emergency amendment at 19 Ill. Reg. 15492, effective October 30, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 1195, effective January 5, 1996; amended at 20 Ill. Reg. 5659, effective March 28, 1996; emergency amendment at 20 Ill. Reg. 14002, effective October 15, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 1189, effective

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section 160.70 Enforcement of Support Orders

a) Definitions

The definitions contained in Section 160.60(a) are incorporated herein by reference.

b) Income Withholding

Whether using the administrative process (see Section 160.60(d)) or the judicial process (see Section 160.60(e)), the Department shall follow the procedures for withholding of income contained in Section 160.75 to enforce and collect past-due support owed by responsible relatives in IV-D cases and it shall as promptly as possible distribute all amounts collected. In addition to income as defined in Section 160.75, the Department shall proceed to collect support from the principal and income of trusts as provided by Section 2-1403 of the Code of Civil Procedure (Ill. Rev. Stat. 1991-Ch. 1107-Par. 2-1403) [735 ILCS 5/2-1403].

c) Federal and State Income Tax Refunds and Other State Payments

1) The Department shall collect past-due support owed by responsible relatives in IV-D cases through intercept of federal and State income tax refunds and other State payments (see Section 10.05a of the State Comptroller Act (Ill. Rev. Stat. 1991-Ch. 157-Par. 210-05a) [15 ILCS 405/10.05a]) due such relatives.

2) The Department shall submit past-due support amounts to:

A) the Department of Health and Human Services to intercept federal income tax refunds in accordance with federal instructions as follows:

i) in IV-D AFDC and IV-D IV-B foster care cases, past-due support owed for a child or for a child and the parent with whom the child is living in an amount not less than \$150 which has been in arrears for 3 months or longer; and

ii) in IV-D Non-AFDC cases, past-due support owed to or for a minor child in an amount not less than \$500.

B) the Comptroller to intercept State income tax refunds and other State payments as follows:

i) in active IV-D cases, past-due support owed in an

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amount not less than one month's support obligation or \$150, whichever is less;

ii) in inactive IV-D AFDC and IV-D IV-B foster care cases, past-due support owed in any amount; and

iii) in cases in which the responsible relative who owes past-due support is receiving periodic payments from this State because of employment, disability, retirement or any other reason, the Department shall, upon obtaining knowledge of such circumstances, refund any amounts inadvertently intercepted to the responsible relative and proceed to collect past-due support pursuant to the income withholding provisions of the support statutes.

3) The Department shall provide the responsible relative with a notice prior to submitting a past-due support amount for intercept, which advance notice shall inform the responsible relative of the following:

A) the IV-D case name and identification number;

B) the past-due support amount which will be submitted for intercept;

C) the right to contest the determination that past-due support is owed or the amount of past-due support by requesting:

i) a redetermination by the Department or, after such redetermination,

ii) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept is based, at the request of the responsible relative; and

D) that the Internal Revenue Service will notify the responsible relative's spouse at the time of intercept regarding the steps to take to protect the share of the refund which may be payable to that spouse, in the case of a joint federal income tax return.

4) A request for a redetermination made within 15 days from the date of mailing of the advance notice shall stay the Department from submitting the past-due amount.

5) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by requesting:

A) a hearing by the Department within 30 days from the date of mailing of the notice; or

B) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept is based.

6) If a responsible relative requests administrative review by the state in which the support order was issued upon which the referral for federal income tax refund intercept is based, the

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Department shall notify the state with the order of the request and shall provide that state with all necessary information within 10 days of the responsible relative's request. The Department shall be bound by the decision of the state with the order.

- 7) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.
- 8) The Department shall notify:
 - A) any other state enforcing the support order when the request for intercept is submitted and when the intercept amount is received;
 - B) the Department of Health and Human Services of any deletion of an amount submitted for federal income tax refund intercept, in accordance with federal instructions;
 - C) the Comptroller of any deletion of an amount submitted for State income tax refund or other payment intercept or any significant decrease in the amount; and
 - D) the Clerk of Circuit Court of the county in which the child support order was entered of any amount intercepted for posting to the court payment record.
- 9) The Department shall:
 - A) as promptly as possible refund to the responsible relative any amount intercepted found to exceed the amount of past-due support owed; and
 - B) equitably apportion joint State income tax refunds and other State payments based upon copies of federal and State income tax returns, including all schedules and attachments, or other evidence of ownership, such equitable apportionment to be based on the documented proportionate net income of the parties, and pay to the joint payee that portion of the amount intercepted found to be his; except that the Comptroller shall apportion such refunds and payments in matters where the intercepted funds have not yet been transferred to the Department.
- 10) The Department shall as promptly as possible apply collections it receives as a result of intercept under this subsection only against the past-due support amount specified in the advance notice provided the responsible relative pursuant to subsection (c)(3) above and shall promptly apply:
 - A) federal income tax refunds first to satisfy any IV-D AFDC or IV-D foster care assigned past-due support and then to satisfy any IV-D Non-AFDC past-due support; and
 - B) State income tax refunds and other State payments to satisfy any active IV-D AFDC and IV-D foster care assigned past-due support, or first to satisfy active IV-D Non-AFDC past-due support and then to satisfy any IV-D AFDC and IV-D foster care assigned past-due support.
- 11) The Department shall inform individuals who receive IV-D Non-AFDC

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support enforcement services, in advance, of the following:

- A) amounts intercepted under this subsection will be applied in accordance with Section 160.130;
 - B) any payment received by the IV-D Non-AFDC individual as a result of federal income tax refund intercept may have to be returned to the Department within six years following the end of the tax year if there is an adjustment necessitated by the responsible relative's spouse filing an amended tax return in order to receive his share of a joint tax refund.
- d) Unemployment Insurance Benefits
- 1) The Department shall collect support owed by responsible relatives in IV-D cases through intercept of unemployment insurance benefits in matters wherein the relative has accumulated a past-due support amount equal to a one month support obligation.
 - 2) The Department shall take the following action:
 - A) ascertain that the responsible relative qualifies for receipt of unemployment insurance benefits through access to the Department of Employment Security's (DES) computer file.
 - B) collect child support owed through the intercept of unemployment insurance benefits by initiating procedures for income withholding in accordance with Section 160.75.
 - C) establish the amount to be deducted by data entry to DES's computer file, which amount shall be the lesser of:
 - i) the amount of the income withholding order; or
 - ii) fifty percent (50%) of the Unemployment Insurance Benefit.
 - D) receive amounts deducted direct from DES.
 - E) notify the Clerk of the Circuit Court of the county in which the child support order is registered of each collection for posting to the court payment record.
 - F) post each collection to the Department's payment record.
 - G) apply each collection to the current support obligation, then to past-due obligations.
 - H) provide a redetermination within 180 days from the date of request for redetermination to each relative who disputes the deduction and, where indicated, make adjustments and refund improperly deducted amounts.
 - 3) The Department of Employment Security shall take the following action:
 - A) provide notice to the responsible relative and an opportunity to be heard, when the Department cannot resolve the dispute.
 - B) pay all amounts deducted direct to the Department.
 - e) Contempt of Court and Other Legal Proceedings
 - 1) The Department shall refer IV-D cases to its legal representatives to initiate contempt of court and other legal proceedings, pursuant to the applicable provisions of the support

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statutes, for enforcement of orders for support in matters wherein the responsible relative has accumulated a past-due support amount equal to not less than a one month support obligation, except as set forth in subsection (e)(2) below.

2) Contempt proceedings shall not be used in the following instances:

- A) the responsible relative has no known available income or assets from which to satisfy the support obligation and is:
 - i) receiving public assistance;
 - ii) mentally or physically disabled;
 - iii) incarcerated;
 - iv) out-of-the-country;
 - v) deceased; or
 - vi) otherwise situated making such action unproductive.
- B) other legal or administrative remedies are more appropriate under the circumstances.

3) Contempt and other legal proceedings shall be used to:

- A) establish the amount of past-due support;
- B) obtain a judgment for purposes of:
 - i) imposition of a lien against real estate,
 - ii) levy upon real estate and personal property, or
 - iii) registration in another state;
- C) secure an order for lump sum or periodic payment of the past-due support or judgment;
- D) require the responsible relative to post security, bond or give some other guarantee of a character and amount sufficient to assure payment of any amount due under the support order;
- E) obtain full or partial payment of past due support through incarceration;
- F) ascertain the responsible relative's source and amount of income or location and value of assets;
- G) secure other enforcement relief; and
- H) obtain any combination of the above.

4) During the course of contempt or other legal proceedings to enforce support, if it shall appear that there is no net income because of the unemployment of a responsible relative, who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving AFDC in Illinois, the Department shall request the court to order the relative to report for participation in job search, training or work programs established for such relatives under Section 9-6 of the Illinois Public Aid Code ~~§§§§~~ ~~Rev-Stat-1991-CH-237-Par-9-6~~ [305 ILCS 5/9-6].

f) Liens Against Real Estate and Personal Property

- 1) The Department shall seek judgment liens against real estate and enforce judgments upon the real estate and personal property of responsible relatives, in IV-D cases in which a referral has been

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made to initiate court enforcement of an order for support, in accordance with Article XII of the Code of Civil Procedure ~~§§§~~ ~~Rev-Stat-1991-CH-110-Par-12-101-et-seq~~ [735 ILCS 5/Art. XII].

2) A petition for a rule to show cause or other petition filed by a Department legal representative to enforce an order for support shall contain a prayer that judgment be entered against the responsible relative in the amount of the past-due support alleged in the petition, when both of the following circumstances exist:

- A) the past-due amount is at least \$10,000; and
- B) the responsible relative has an interest in real estate or personal property against which the judgment may be enforced.

3) Upon obtaining a judgment, Department legal representatives shall secure liens against the real estate of responsible relatives by filing a transcript, certified copy, or memorandum of judgment in the county wherein the real estate is located, in accordance with law (see Article XII of the Code of Civil Procedure ~~§§§~~ ~~Rev-Stat-1991-CH-110-Par-12-101-et-seq~~) [735 ILCS 5/Art. XII].

4) A judgment shall be enforced by levy upon the real estate and personal property of the responsible relative in accordance with law (see Article XII of the Code of Civil Procedure ~~§§§~~ ~~Rev-Stat-1991-CH-110-Par-12-101-et-seq~~) [735 ILCS 5/Art. XII] when the relative has a known equity which is not less than \$10,000 in excess of any statutory exemption.

g) Security, Bond or Other Guarantee of Payment

- 1) Except as provided in subsections (g)(2) and (3) below, the Department shall require, or through its legal representative shall request the court to require, a responsible relative to post security, bond, or give some other guarantee of a character and amount sufficient to assure payment of any amount due under a support order in IV-D cases, pursuant to Section 10-17.4 of the Illinois Public Aid Code ~~§§§~~ ~~Rev-Stat-1991-CH-237-Par-10-17-4~~ [305 ILCS 5/10-17.4].

2) In cases in which the support obligation is established through the administrative process contained in Section 160.60, the notice of support obligation provided to the responsible relative shall indicate that the Department may require the relative to post security, bond or give some other guarantee of payment. Except where the responsible relative is subject to income withholding, the administrative support order shall contain this requirement in an amount equal to a one year support obligation.

- 3) In acting upon a referral to establish a support obligation or to enforce an existing order for support, Department legal representatives shall include in the complaint or petition a prayer for an order requiring the responsible relative to post

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security, bond, or give some other guarantee of payment equal to a one year support obligation, unless the relative is subject to the income withholding provisions of the support statutes.

h) Past-Due Support Information to Consumer Reporting Agencies

1) The Department shall report ~~7-upon request of consumer reporting agencies~~ provide the following information concerning the agencies ~~the following information concerning the agencies~~ payment records of responsible relatives in IV-D cases to consumer reporting such agencies when the amount of past-due support is or exceeds that required for intercepting federal income tax refunds as provided in subsection (c)(2)(A) of this Section exceeds \$1000.

A) the name, last known address and Social Security Number of the responsible relative; and
B) the terms and amount of past-due support which has accumulated under the order for support.

2) The Department shall provide the responsible relative with a notice at least 15 days prior to furnishing past-due support information to consumer reporting agencies, which advance notice shall inform the relative of the following:

A) the IV-D case name and identification number;
B) the past-due support amount which will be reported;
C) the date past-due support will be reported; and
D) the right to prevent reporting by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.

3) The Department shall provide the responsible relative with notice of the results of the redetermination and the right to prevent reporting by payment in full of the past-due support found to be owed or to contest the results of the redetermination by requesting a hearing within 15 ~~30~~ days from the date of mailing of the notice.

4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.

5) The Department shall be stayed from providing information to consumer reporting agencies by either of the following:

A) a request for
i) a redetermination, or
ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or
B) payment in full of the amount of the past-due support stated in the
i) advance notice, or
ii) notice of redetermination or hearing results.

6) The Department shall advise consumer reporting agencies of changes in the amount of the past-due support found to be owed as a result of a redetermination or hearing conducted after report to such agencies.

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i) Past-Due Support Certified to the Illinois Department of Revenue
1) The Department may collect past-due support owed by responsible relatives in IV-D cases through certification of the account balance to the Illinois Department of Revenue for collection (see Section 10-17.9 of the Public Aid Code [305 ICS 5/10-17.9]).

2) The Department may submit past-due support amounts to the Illinois Department of Revenue when the following conditions exist:

A) past-due support is owed for a child or for a child and the parent with whom the child is living;
B) the responsible relative has made no payment directly or through income withholding within 30 days prior to the date of the advance notice under subsection (i)(3) of this Section;

C) as of the date of certification, the responsible relative does not have a bankruptcy case pending; and
D) the responsible relative is not deceased.

3) The Department shall provide the responsible relative with a notice prior to certifying the balance to the Illinois Department of Revenue, which advance notice shall inform the responsible relative of the following:

A) the IV-D case name and identification number;
B) the past-due support amount which will be submitted for collection;
C) the right to contest the determination that past-due support is owed or the amount of past-due support by making a written request for a redetermination by the Department; and
D) that the responsible relative may avoid certification by establishing a satisfactory repayment plan as determined by the Department.

4) Factors for a satisfactory repayment plan will include, but are not limited to:

A) the amount of past-due support owed;
B) the amount to be paid toward the past-due amount;
C) the amount of current child support obligations; and
D) the individual's ability to pay.

5) The Department shall provide the Illinois Department of Revenue the following descriptive information on the responsible relative:

A) name;
B) social security number;
C) IV-D identification number; and
D) the past-due support amount.

6) A written request for redetermination made within 15 days after the date of mailing the advance notice shall stay the Department from certifying the balance to the Illinois Department of Revenue.

7) No later than 120 days after the date the redetermination was

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requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by making a written request for a hearing by the Department within 30 days after the date of mailing of the notice.

8) A written request for hearing made within 30 days after the date of mailing the notice of results of redetermination shall stay the Department from certifying the balance to the Illinois Department of Revenue, if certifying the balance had been stayed pursuant to subsection (i)(6) of this Section.

9) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a written request for hearing, except that Section 104.103(b) and (c) shall not apply.

10) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.

11) The Department shall:

A) apply any overpayment by the responsible relative pursuant to the certification for collection as a credit against future support obligation; or

B) if the current support obligation of the responsible relative has terminated by operation of law or court order, as promptly as possible refund to the responsible relative any overpayment, pursuant to certification for collection, which is still in the possession of the Department.

j) Other Remedies

The Department shall pursue any other remedies provided for by law to enforce and collect past-due support owed by responsible relatives in IV-D cases.

(Source: Amended at 21 Ill. Reg. 1189, effective JAN 14 1997)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: AIDS Drug Assistance Program

2) Code Citation: 77 Ill. Adm. Code 692

3) Section Numbers: Adopted Action:
692.10 Amendment
692.Appendix A Amendment

4) Statutory Authority: Implementing Title II of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (42 USC 300ff) and authorized by Section 55.41 of the Civil Administrative Code of Illinois [20 ILCS 2310/55.41].

5) Effective Date of Amendments: January 10, 1997

6) Does this Rulemaking Contain an Automatic Repeal Date? No

7) Does this Rulemaking Contain any Incorporation by Reference? No

8) Date Filed in Agency's Principal Office: January 10, 1997

9) Date Notice of Proposed Rulemaking was Published in the Illinois Register: June 21, 1996; 20 Ill. Reg. 8227

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking? No

11) Difference Between Proposal and Final Version:

The eligibility provision relating to private insurance coverage for drugs through another third party payor in Section 692.10(a)(4) has been revised to make ineligible for the program new applicants whose private insurance provides coverage of 80% or greater of the cost of drugs.

New provisions concerning annual renewal application, criteria for suspension of program enrollment by the Department, and cost control measures that may be implemented by the Department have been added to the rules:

b) Persons enrolled in the AIDS Drug Assistance Program must reapply annually in order to continue receiving drugs through the Program.

1) Renewal applications must be received by the Department by the expiration date of the client's current enrollment.

2) If a renewal application is not received by the Department within 15 days after the expiration date of the client's current enrollment, the client will be removed from the Program and will be required to meet the eligibility requirements of subsection (a)(1) through (6) of this Section in order to continue receiving

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drugs through the Program.

- c) The Department may suspend a client's enrollment in the AIDS Drug Assistance Program under the following circumstances:

- 1) submittal of fraudulent application information by an applicant or client;
 - 2) failure to submit an application by the due date;
 - 3) failure to utilize the Program for a six month period.
- d) Subject to the availability of funds, the Department may implement cost control measures such as client benefit maximums or limitations on new enrollments.

A statement has been added specifying the criteria the Department will use to add or delete drugs from the program, and specifying that changes to the list of covered drugs will be made with the advice of the medical issues subcommittee of the Title II Ryan White AIDS Advisory Council.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee? All changes agreed upon by the Department and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee.

- 13) Will the Rulemaking Replace an Emergency Rule Currently in Effect? No

- 14) Are there any other Amendments Pending on this Part? No

- 15) Summary and Purpose of Amendments: This rulemaking changes the qualifying income level for participation in the AIDS Drug Reimbursement Program from 400% of the federal Poverty Level to 200% of the Federal Poverty Level and adds a copayment. The eligibility provision relating to private insurance coverage for drugs through another third party payor in Section 692.10(a)(4) has been revised to make ineligible for the program new applicants whose private insurance provides coverage of 80% or greater of the cost of drugs. New provisions concerning annual renewal application, criteria for suspension of program enrollment by the Department, and cost control measures that may be implemented by the Department have been added to the rules. A statement has been added specifying the criteria the Department will use to add or delete drugs from the program, and specifying that changes to the list of covered drugs will be made with the advice of the medical issues subcommittee of the Title II Ryan White AIDS Advisory Council. Persons who were enrolled in the program as of June 4, 1996, are considered eligible for the program, as long as such persons continue to renew their enrollment annually. The amendments also incorporate the 1996 Federal Poverty Income Guidelines.

- 16) Information and Questions Regarding these Adopted Amendments shall be directed to:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Gail M. DeVito
Administrative Rules Coordinator
Division of Governmental Affairs
535 West Jefferson
Springfield, Illinois 62761
(217)782-6187

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER K: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 692
AIDS DRUG ASSISTANCE REIMBURSEMENT PROGRAM

Section

692.10 Drugs to Prolong the Lives of Non-Medicaid Persons with Acquired Immunodeficiency Syndrome (AIDS) or Human Immunodeficiency Virus (HIV) Infection

APPENDIX A 1996 1994 Poverty Income Guidelines

APPENDIX B CARE Act Sliding Fee Scale

AUTHORITY: Implementing Title II of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (42 USC 300ff), and authorized by Section 55.41 of the Civil Administrative Code of Illinois [20 ILCS 2310/55.41].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 14699, effective September 30, 1991, for a maximum of 150 days; adopted at 16 Ill. Reg. 4052, effective February 27, 1992; emergency amendment at 17 Ill. Reg. 12913, effective July 23, 1993, for a maximum of 150 days; emergency expired December 20, 1993; amended at 18 Ill. Reg. 1427, effective January 20, 1994; amended at 18 Ill. Reg. 17678, effective November 30, 1994; amended at 20 Ill. Reg. 7531, effective May 15, 1996; emergency amendment at 20 Ill. Reg. 8353, effective June 4, 1996, for a maximum of 150 days; emergency expired November 1, 1996; amended at 21 Ill. Reg. 1203, effective JAN 1 1997.

Section 692.10 Drugs to Prolong the Lives of Non-Medicaid Persons with Acquired Immunodeficiency Syndrome (AIDS) or Human Immunodeficiency Virus Infection

Drugs provided under this Section are paid for on behalf of low income individuals with Acquired Immunodeficiency Syndrome (AIDS) or persons with the Human Immunodeficiency Virus (HIV).

- a) To qualify for services under this Section, a person must be enrolled in the AIDS Drug Assistance Reimbursement Program as of June 4, 1996 September-30-1996, or:

- 1) make application with annual renewal to the Illinois Department of Public Health (Department);
- 2) be diagnosed as having AIDS or HIV;
- 3) qualify financially with anticipated gross net monthly income at or below 200% 400% of the Federal Poverty Level for the size of the household (see Appendix A);
- 4) not be eligible for 80% or greater 100% insurance coverage for drugs through another third party payor;
- 5) not be eligible for the Medical Assistance Program (Medicaid) on the date drugs are obtained (individuals with financial/medical

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assistance applications pending or individuals in spenddown unmet status may participate); and
6) not be eligible for payment for prescription drugs of medical services from any other governmental entity.

- b) Persons enrolled in the AIDS Drug Assistance Program must reapply annually in order to continue receiving drugs through the Program.

- 1) Renewal applications must be received by the Department by the expiration date of the client's current enrollment.
- 2) If a renewal application is not received by the Department within 15 days after the expiration date of the client's current enrollment, the client will be removed from the Program and will be required to meet the eligibility requirements of subsection (a)(1) through (6) of this Section in order to continue receiving drugs through the Program.

- c) The Department may suspend a client's enrollment in the AIDS Drug Assistance Program under the following circumstances:

- 1) submittal of fraudulent application information by an applicant or client;
 - 2) failure to submit an application by the due date;
 - 3) failure to utilize the Program for a six month period.
- d) Subject to the availability of funds the Department may implement cost control measures such as client benefit maximums or limitations on new enrollments.

- e) All of the drugs provided that are reimbursable under the AIDS Drug Assistance Reimbursement Program have been approved by the federal Food and Drug Administration. The following categories of drugs that may be are covered under the AIDS Drug Assistance Reimbursement Program are. The Department, with the advice of the medical issues subcommittee of the Title II Ryan White AIDS Advisory Council, will determine which drugs will be covered, based on criteria that include the medical appropriateness of the drug for treatment of HIV/AIDS and associated complications:

- Category I - Drugs for Anti-Retroviral Therapy;
- Category II - Drugs for PCP Prophylaxis and Treatment;
- Category III - Drugs for Prophylaxis and Treatment of Opportunistic Infections and Anti-Microbials;
- Category IV - Drugs for Treatment of Neoplasms; and
- Category V - Other Drugs Requiring Prior Approval,--including--Bone Marrow-Stimulants.

- f) All to-be-eligible-for-services, all prescriptions must be filled by the Department's sole pharmacy contractor.

- g) The Department may require participants to pay a copayment for prescriptions received. The sole pharmacy contractor may charge a fee for services. If a copayment fee-for-services is charged, it must not exceed be-in accordance-with-and-conform-to the sliding fee structure specified in Title II of the CARE Act (see Appendix B). Effective July 1, 1996, those participants whose incomes are above 100% of the federal Poverty Level (\$7,740 annually) will be charged a copayment of

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\$10 per prescription with a maximum payment of \$380 per year (July 1 - June 30).

h) The Department will make a disposition and issue a written decision on an application filed pursuant to this Section within 30 days from the date the Department receives the application. The Department will make a disposition and issue a written decision on a renewal application filed pursuant to this Section within 15 days from the date the Department receives the application. An individual may appeal the Department's denial of his/her application. Such appeal shall be in accordance with the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

(Source: Amended at 21 Ill. Reg. 1203, effective JAN 1 1997)

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Section 692. APPENDIX A 1996 1994 Poverty Income Guidelines

1996 1994 Poverty Income Guidelines	
Size of Family Unit	Poverty Guideline
1	\$ 7,740 \$7,360
2	10,360 -9,740
3	12,980 12,720
4	15,600 14,800
5	18,220 17,280
6	20,840 19,760
7	23,460 22,240
8	26,080 24,720

For family units with more than 8 members, add \$2,620 \$2,460 for each additional member.

(Source: Amended at 21 Ill. Reg. 1203, effective JAN 1 1997)

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- 1) Heading of the Part: Electronic Transmission of Fingerprints
- 2) Code Citation: 20 Ill. Adm. Code 1265
- 3) Section Numbers:

1265.10	Adopted Action:
1265.20	New Section
1265.30	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 3 and 3.1 of the Criminal Identification Act [20 ILCS 2630/3 and 3.1] and authorized by Section 55a of the Civil Administrative Code of Illinois [20 ILCS 2605/55a].
- 5) Effective Date of Rules: January 10, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: January 8, 1997
- 9) Notice of proposal published in Illinois Register: February 16, 1996, 20 Ill. Reg. 3077
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: In Section 1265.20, "This term does not include inquiries made under the provisions of the Uniform Conviction Information Act." has been added to the definition "Fee applicant process".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreement letter was issued by JCAR.
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: This rule describes procedure and policy relating to the electronic transmission of fingerprints to the Illinois State Police.
- 16) Information and questions regarding this adopted rule shall be directed to:

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Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
125 East Monroe Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461
217/782-7658

The full text of the Adopted Rules begins on the next page:

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED RULES

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICEPART 1265
ELECTRONIC TRANSMISSION OF FINGERPRINTS

SUBPART A: PROMULGATION

Section
1265.10 Purpose
1265.20 Definitions

SUBPART B: OPERATIONS

Section
1265.30 Requirements

AUTHORITY: Implementing and authorized by Sections 3 and 3.1 of the Criminal Identification Act [20 ILCS 2630/3 and 3.1] and authorized by Section 55a of the Civil Administrative Code of Illinois [20 ILCS 2605/55a].

SOURCE: Adopted at 21 Ill. Reg. 1210, effective

SUBPART A: PROMULGATION

Section 1265.10 Purpose

The purpose of this Part is to provide requirements and procedures for the electronic transmission of fingerprint data to the Illinois State Police.

Section 1265.20 Definitions

The following definitions shall apply to this Part:

"Department" means the Illinois Department of State Police.

"FBI" means the Federal Bureau of Investigation.

"Electronic transmission" means the transmission of data by electronic method.

"Fee applicant process" means the procedure used by noncriminal justice agencies and other entities in conducting fingerprint-based criminal history background investigations of prospective employees or

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licensees. This term does not include inquiries made under the provisions of the Uniform Conviction Information Act.

SUBPART B: OPERATIONS

Section 1265.30 Requirements

- a) Fingerprint images and related alpha numeric identification data submitted to the Department for the purpose of the fee applicant process shall be submitted by means of electronic transmission.
- b) Electronic transmission of fingerprint data to the Department shall be accomplished utilizing livescan procedures or other comparable technology approved for use by the Department.
- c) Electronic transmission of data is required for all fee applicant process inquiries to the Department and all fee applicant process inquiries made to the FBI through the Department.
- d) In the event of equipment malfunction or other special circumstance which makes electronic transmission of fingerprint data impractical, the Department may allow limited use of paper fingerprint records for fee applicant submissions.

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NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Gang Crime Witness Protection Act
- 2) Code Citation: 20 Ill. Adm. Code 1275
- 3) Section Numbers:
1275.10 Adopted Action:
1275.20 New Section
1275.30 New Section
- 4) Statutory Authority: Implementing and authorized by the Gang Crime Witness Protection Act [P.A. 89-498, effective June 17, 1996] and authorized by Section 55a of the Civil Administrative Code of Illinois [20 ILCS 2605/55a].
- 5) Effective Date of Rules: January 10, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: January 8, 1997
- 9) Notice of proposal published in Illinois Register: August 2, 1996, 20 Ill. Reg. 10313
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:
In the main source note, "July 1" has been changed to "July 19".
In Section 1275.30(a)(2), "request" has been changed to "requests".
In Section 1275.30(c)(4), a comma has been added after "e.g.".
In Section 1275.30(e)(1), subsection F has been deleted.
In Section 1275.30(e)(1), "request" has been changed to "application".
In Section 1275.30(e)(1), subsections (C) through (K) have been changed to (F) through (J).
In Section 1275.30(e)(2)(B), "Section 1275.30(g)(1)" has been changed to "subsection (e)(1) of this Section".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

DEPARTMENT OF STATE POLICE

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- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: This rule establishes procedures for obtaining reimbursement and guidance from the Illinois State Police for protective relocation of victims and witnesses relating to gang crime.
- 16) Information and questions regarding this adopted rule shall be directed to:
Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
125 East Monroe Street, Room 102
P.O. Box 19461
Springfield, IL 62794-9461
217/782-7658

The full text of the Adopted Rules begins on the next page:

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED RULES

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICE

PART 1275

GANG CRIME WITNESS PROTECTION ACT

SUBPART A: PROMULGATION

Section

1275.10 Purpose

1275.20 Definitions

Section

1275.30 Procedures

AUTHORITY: Implementing and authorized by the Gang Crime Witness Protection Act [P.A. 89-498, effective June 27, 1996] and authorized by Section 55a of the Civil Administrative Code of Illinois [20 ILCS 2605/55a].

SOURCE: Emergency rules adopted at 20 Ill. Reg. 10390, effective July 19, 1996, for a maximum of 150 days; adopted at 21 Ill. Reg. 1214, effective JAN 11 1997.

SUBPART A: PROMULGATION

Section 1275.10 Purpose

This Part delineates procedures for the implementation of the Gang Crime Witness Protection Act.

Section 1275.20 Definitions

a) Unless specified otherwise, all terms shall have the meanings set forth in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act [740 ILCS 147/10].

b) For purposes of these rules, the following additional definitions apply:

"Act" means the Gang Crime Witness Protection Act [P.A. 89-498, effective June 27, 1996].

"Administrator" means the Director of State Police or the Director's designee.

"Attorney General" means the Attorney General of the State of

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Illinois.

"Department" means the Illinois Department of State Police.

"Director" means the Director of State Police.

"Gang Crime" means the same as set forth in the Gang Crime Witness Protection Act [P.A. 89-498, effective June 27, 1996].

"Victim" means a person who has suffered direct or threatened physical harm as a result of the commission of a gang crime, and such person has delivered sworn testimony or actively aided in the prosecution of perpetrators of gang crimes.

"Victim/Witness" means a victim or a witness as defined by this Part and any relative of a victim or witness who, with respect to the related gang crime, has suffered direct or threatened physical harm or if the potential for such harm can be reasonably inferred.

"Witness" means a person who has delivered sworn testimony or actively aided in the prosecution of perpetrators of gang crimes if such person has suffered direct or threatened physical harm or if the potential for such harm can be reasonably inferred.

"Witness Protection Coordinator" means an employee of the Department of State Police who is charged with the responsibility of receiving, evaluating and processing applications for reimbursement on behalf of the Director.

SUBPART B: OPERATIONS

Section 1275.30 Procedures

a) Illinois State Police shall:

- 1) Receive, review and process requests for reimbursement of victim/witness temporary living costs, moving expenses, rent, security deposits and other appropriate expenses of relocation or transition received from State's Attorneys or the Attorney General;
- 2) Evaluate requests for reimbursement for completeness and accuracy and ensure that verification is submitted for all expenditures claimed;
- 3) Arrange for the disbursement of monies from the Gang Crime Witness Protection Fund as authorized by the Administrator; and
- 4) Receive reimbursement from the Gang Crime Witness Protection Fund for expenses related to the implementation of the Act.

b)

- 1) Only the Illinois Attorney General and the State's Attorney of

DEPARTMENT OF STATE POLICE

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- any Illinois county may request reimbursement under the Act.
- 2) All requests for reimbursement must be submitted in writing to the Witness Protection Coordinator on a form provided by the Department. The form shall include information identifying the requesting authority, a description of the related gang crime, identification of the recipient of the reimbursement, justification for the protected status, estimate of future expenditures, identification of matching expenditures and certification of compliance with the Act and this Part.
 - 3) Requests for reimbursement must include receipts or equivalent documentation verifying expenditures.
 - 4) Requests for reimbursement must include documentation verifying expenditure of matching funds by the affected county.
 - 5) Requests shall be made individually for each victim/witness. For cases involving more than one victim/witness, a separate form will be used for each.
 - 6) Supplemental requests can be made for continuing expenses during the same State fiscal year. A new form shall be used for each supplemental request.

c) Security

Information concerning the identity or whereabouts of a victim/witness will not be provided to the Department as part of the request process. Association of reimbursement payments to a given witness/victim will be accomplished through issuance of a unique Audit Control Number assigned by the requesting prosecutorial authority. Only one Audit Control Number will be assigned an individual, even if claims for continuing witness protection expenses are filed in subsequent fiscal years. The referenced Audit Control Number shall be composed of the following:

- 1) The last two digits of the State fiscal year in which the first request is made;
- 2) The letters "WP";
- 3) The National Crime Information Center (NCIC) ORI (identification code) assigned to the Office of the Attorney General or to the applicable State's Attorney; and
- 4) An ascending, sequential, 4-digit suffix, corresponding to the total number of victims/witnesses for which the entity has initiated a request for reimbursement of protection expenses in a given fiscal year (e.g., the first victim/witness would be identified with the suffix "0001", the second with "0002", etc.).

d) Matching funds

The county initiating a request must fund at least 25 percent of any expenditure for which reimbursement is requested. This matching contribution may be waived by the administrator upon showing of good cause. The following factors will be considered in making this determination:

- 1) The amount of matching funds relative to the overall budget of the requesting county;

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- 2) Particular administrative obstacles limiting the requestor's ability to obtain access to matching funds;
 - 3) The negative consequences which could occur if the matching funds are not waived; and
 - 4) The severity of the related gang crime and the likelihood of harm to the victim/witness.
- e) Processing of Applications for Reimbursement
- 1) Applications for reimbursement will not be approved:
 - A) If an active, enforceable felony warrant is on file for the victim/witness;
 - B) If relocation of the victim/witness will violate the provisions of the subject's probation, parole, supervision or other form of conditional release;
 - C) If the victim/witness is required to register or is registered in accordance with the provisions of the Sex Offender Registration Act;
 - D) If the most recent related gang crime took place prior to July 1, 1996;
 - E) If the victim/witness has not delivered sworn testimony at trial before a grand jury or during other official proceedings or otherwise delivered substantial assistance in furtherance of prosecution;
 - F) If documentation for expenditures claimed is not appended to the application form;
 - G) If the requesting agency is unwilling to cooperate in completing auditing requirements stipulated in the Act;
 - H) If required matching funds have not been contributed by the requesting agency, unless a waiver of this provision is granted by the Director;
 - I) If more than 50 percent of funding available in any given fiscal year has previously been obligated to the county that initiated the request; and
 - J) If the Department application form does not bear the original written signature of the requesting State's Attorney or the Attorney General and the date on which the referenced form was signed.
 - 2) Incoming applications will be reviewed for completeness and for the presence of any disqualifying conditions.
 - A) Minor defects/omissions may be corrected verbally by telephone.
 - B) Applications which contain any of the disqualifying conditions cited in subsection (e)(1) of this Section will be returned to the submitting agency with an accompanying letter of explanation.
 - C) Corrected applications may be re-submitted at any time.
 - 3) The final approval of the Director will be sought for all applications which comply with submission requirements; and upon his authorization, notification shall be provided to the

DEPARTMENT OF STATE POLICE

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requesting prosecutorial authority and a request for disbursement of funds will be initiated by the Department. Reimbursement will be awarded and estimated expenditures obligated in the order received. In the event requests exceed available funds, the Director may award reimbursement out of chronological order to address life-threatening or other extraordinary circumstances.

f) Technical Assistance

- 1) State's Attorneys and the Attorney General may request the Department to provide guidance in protecting and relocating a victim/witness.
- 2) If protection and relocation of the victim/witness would qualify for reimbursement as described in Section 1275.30 of this Part, the Department will provide guidance when requested and to the extent the Director determines Department resources are available.
- 3) Guidance may include information regarding appropriate relocation destinations, how to structure travel and moving arrangements and methods of providing personal protection for the victim/witness.
- 4) When providing guidance, the Department shall have exclusive authority to determine the manner and extent to which Department resources and personnel are utilized.
- 5) The cost of any guidance provided by the Department will be reimbursed from the Gang Crime Witness Protection Fund.
- 6) All requests for guidance shall be made to the Witness Protection Coordinator.
- 7) The Attorney General or the State's Attorney who requests guidance shall make available to the Department upon request all records relating to the victim/witness, the related gang crime and the need for protection.

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Meat and Poultry Inspection Act
- 2) Code Citation: 8 Ill. Adm. Code 125
- 3) Section Numbers:
125.380
Peremptory Action:
Amended
- 4) Reference to the Specific State or Federal Court Order, Federal Rule of Statute which requires this Peremptory Rulemaking: The Meat and Poultry Inspection Act [225 ILCS 650/16]; the Federal Poultry Products Inspection Act (21 U.S.C.A. 454); 61 FR 66198 and 61 FR 68821 (1996).
- 5) Statutory Authority: The Meat and Poultry Inspection Act [225 ILCS 650].
- 6) Effective Date: January 14, 1997
- 7) A Complete Description of the Subjects and Issues Involved: In order to maintain an "equal to" status with the federal poultry products inspection program as required by the Federal Poultry Products Inspection Act and in compliance with Section 16 of the Meat and Poultry Inspection Act, changes in the federal rules relative to poultry products inspection are hereby adopted.

The Food Safety and Inspection Service is taking the following action in response to legislation enacted by the United States Congress directing FSTIS to issue a revised final rule about the labeling of raw poultry products. FSTIS is amending the federal poultry products inspection regulations to prohibit the use of the term "fresh" on the labeling of raw poultry products whose internal temperature has ever been below 26 degrees F. Such products whose internal temperature has ever been below 26 degrees F but above 0 degrees F are not required to bear any specific, descriptive labeling terms including "hard chilled" or "previously hard chilled". The rule also establishes a temperature tolerance below the 26 degrees F standard for labeling product as "fresh". (For additional information, refer to the December 17, 1996 issue of the *Federal Register*, page 66198 with a correction printed at 61 FR 68821; Section 381.129(b)(6) is amended.) Effective 12/17/96, 9 CFR 381.129(b)(6) is stayed through 12/16/97; the amendatory changes in this rulemaking will be effective 12/17/97.

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed in Agency's Principal Office: January 14, 1997
- 10) This rule is in compliance with Section 5-50 of the Illinois Administrative Procedure Act.
- 11) Are there any proposed amendments pending to this Part? No

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NOTICE OF PEREMPTORY AMENDMENTS

12) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local governments.

13) Information and questions regarding this adopted amendment shall be directed to:

Debbie Wakefield
Illinois Department of Agriculture
State Fairgrounds
P.O. Box 19281
Springfield, IL 62794-9281
217/785-5713
Facsimile: 217/785-4505

The full text of the Peremptory amendment begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACT

PART 125

MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR POULTRY INSPECTION

Section	
125.10	Definitions
125.20	Incorporation by Reference of Federal Rules
125.30	Application for License; Approval
125.40	Official Number
125.50	Inspections; Suspension or Revocation of License
125.60	Administrative Hearings; Appeals
125.70	Assignment and Authority of Program Employees
125.80	Schedule of Operations; Overtime
125.90	Official Marks of Inspection, Devices and Certificates
125.100	Records and Reports
125.110	Exemptions
125.120	Disposal of Dead Animals and Poultry
125.130	Reportable Animal and Poultry Diseases
125.140	Detention; Seizure; Condemnation

SUBPART B: MEAT INSPECTION

Section	
125.150	Livestock and Meat Products Entering Official Establishments
125.160	Equine and Equine Products
125.170	Facilities for Inspection
125.180	Sanitation
125.190	Ante-Mortem Inspection
125.200	Post-Mortem Inspection
125.210	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.220	Humane Slaughter of Animals
125.230	Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.240	Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
125.250	Marking products and Their Containers
125.260	Labeling, Marking and Containers
125.270	Entry into Official Establishment; Reinspection and Preparation of Product
125.280	Meat Definitions and Standards of Identity or Composition
125.290	Transportation
125.295	Imported Products
125.300	Special Services Relating to Meat and Other Products

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125.305 Exotic Animal Inspection

SUBPART C: POULTRY INSPECTION

Section

125.310 Application of Inspection

125.320 Facilities for Inspection

125.330 Sanitation

125.340 Operating Procedures

125.350 Ante-Mortem Inspection

125.360 Post-Mortem Inspection; Disposition of Carcasses and Parts

125.370 Handling and Disposal of Condemned or Inedible Products at Official Establishments

125.380 Labeling and Containers

125.390 Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements

125.400 Definitions and Standards of Identity or Composition

125.410 Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by the Meat and Poultry Inspection Act [225 ILCS 650] and Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; peremptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; peremptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; peremptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; peremptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; peremptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; peremptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; peremptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; peremptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; peremptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; peremptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; peremptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; peremptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; peremptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; peremptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; peremptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; peremptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; peremptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; peremptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; peremptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; peremptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; peremptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; peremptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; peremptory amendment at 11 Ill. Reg. 18799, effective November

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NOTICE OF PEREMPTORY AMENDMENTS

3, 1987; peremptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; peremptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; peremptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; peremptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; peremptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; peremptory amendment at 12 Ill. Reg. 20894, effective November 1, 1988; peremptory amendment at 12 Ill. Reg. 228, effective January December 21, 1988; peremptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; peremptory amendment at 13 Ill. Reg. 3696, effective March 13, 1989; peremptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; peremptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; peremptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; peremptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; peremptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; peremptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; peremptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; peremptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; peremptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; peremptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; peremptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; peremptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; peremptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; peremptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; peremptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; peremptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; peremptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; peremptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; peremptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; peremptory amendment at 17 Ill. Reg. 15725, effective September 8, 1993; peremptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; peremptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; peremptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; peremptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; peremptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; peremptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; peremptory amendment at 18 Ill. Reg. 12546, effective July 29, 1994; peremptory amendment at 18 Ill. Reg. 14475, effective September 7, 1994; amended at 18 Ill. Reg. 14924, effective September 26, 1994; peremptory amendment at 18 Ill. Reg. 15452, effective September 27, 1994; peremptory amendment at 19 Ill. Reg. 1342, effective January 27, 1995; peremptory amendment at 19 Ill. Reg. 4765, effective March 13, 1995; peremptory amendment at 19 Ill. Reg. 7067, effective May 8, 1995; peremptory amendment at 19 Ill. Reg. 14896, effective October 6, 1995; peremptory amendment at 19 Ill. Reg. 15766, effective November 10, 1995; peremptory amendment at 19 Ill. Reg.

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16866, effective December 22, 1995; peremptory amendment at 20 Ill. Reg. 5091, effective March 19, 1996; peremptory amendment at 20 Ill. Reg. 10403, effective July 17, 1996; amended at 20 Ill. Reg. 11928, effective September 1, 1996; peremptory amendment at 20 Ill. Reg. 12634, effective September 5, 1996; peremptory amendment at 20 Ill. Reg. 15371, effective November 13, 1996; peremptory amendment at 21 Ill. Reg. 12611, effective JAN 14 1997.

SUBPART C: POULTRY INSPECTION

Section 125.380 Labeling and Containers

a) The Department incorporates by reference 381.115 through 381.127, 381.129 through 381.132(f), 381.134 through 381.140, 381.144(a) through 381.144(d), 381.400, 381.402, 381.408, 381.409, 381.412, 381.413, 381.443, 381.444, 381.445, 381.454, 381.456, 381.460, 381.461, 381.462, 381.463, 381.469, 381.480, 381.500 (1990), 55 FR 5976, effective March 23, 1990; 55 FR 7289, effective August 28, 1990; 55 FR 49826 and 50081, effective May 29, 1991; 56 FR 1359, effective September 3, 1991; 56 FR 22638, effective January 2, 1992; 56 FR 67485, effective March 2, 1992; 57 FR 24542, effective July 10, 1992; 57 FR 43588, effective October 21, 1992; 58 FR 38046, effective August 16, 1993; 59 FR 14528, effective May 27, 1994; 58 FR 632, 58 FR 43787, 58 FR 47624, and 59 FR 12157, effective July 6, 1994; 59 FR 40209, effective August 8, 1994; 59 FR 45189, effective September 1, 1994; 60 FR 174 and correction printed at 60 FR 5762, effective January 3, 1995; 60 FR 10304, effective February 24, 1995; 60 FR 12883, effective May 8, 1995; 59 FR 24220 and 60 FR 174, effective November 10, 1995; 60 FR 67444, effective July 1, 1996; 60 FR 44396, effective August 26, 1996; 60 FR 55962, effective November 4, 1996; 61 FR 66198 and 61 FR 68821, effective December 17, 1996.

b) Each shipping container and each immediate container containing inspected and passed poultry and/or poultry products shall be identified in accordance with the labeling provisions of this Section.

c) Immediate containers of poultry products packed in, bearing or containing any chemical additive shall bear a label naming the additive and the purpose of its use.

d) Labels for consumer packages shall be approved if the label is not misbranded in accordance with Section 2.20 of the Act and is in compliance with this Section.

e) The specific statements listed in 9 CFR 381.121 may be added to the label for the shipping container at the option of the licensee.

f) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act and the rules adopted thereto (8 Ill. Adm. Code 600.120).

g) No labeling or containers that have not been approved shall be used until a final decision is rendered at an administrative hearing in accordance with Section 19 of the Act and Section 125.60.

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h) The Department shall approve the manufacture of a device or label containing an official mark of inspection provided the device or label is in compliance with Section 125.90.

i) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.

j) The Department shall approve temporary labeling as stated in 9 CFR 381.132(f). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the permanent labels before the expiration of the temporary approval.

k) A copy of each label submitted for approval shall be accompanied by a statement showing the common or usual names, the kinds and percentages of the ingredients comprising the poultry product and a statement indicating the method or preparation of the product with respect to which the label is to be used. Laboratories used for chemical analysis shall be any approved laboratory as defined in 8 Ill. Adm. Code 20.1.

l) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.

m) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 49 FR 2235, effective July 17, 1984).

n) Labels and devices approved for use pursuant to Section 125.90 and this Section shall be disposed of only when such labels or devices have been mutilated or damaged or when the establishment ceases to do business. Such labels and devices shall be given to the inspector for disposition.

o) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 381.138 so that the inspector can notify the inspector at the destination point.

p) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.

q) Labeling of custom slaughtered and/or custom processed poultry and/or poultry products and the containers containing custom slaughtered and/or custom processed poultry products shall be as set forth in

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Section 5 of the Act.

- r) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3), (4), (5) and (9) of the Act.

(Source: Peremptory amendment at 21 Ill. Reg. 1221, effective JAN 14 1997)

HEALTH FACILITIES PLANNING BOARD

REQUEST FOR EXPEDITED CORRECTION

- 1) Heading of the Part: Health Facilities Planning Procedural Rules
- 2) Code Citation: 77 Ill. Adm. Code 1130
- 3) Section Numbers:
1130.720
1130.750
1130.770
Appendix A
- 4) Date Proposal published in Illinois Register: June 17, 1994, 18 Ill. Reg. 8867 and 8861
- 5) Date Adoption published in Illinois Register: March 10, 1995, 19 Ill. Reg. 2972
- 6) Summary and Purpose of Expedited Correction: The Board originally planned to adopt its rulemaking prior to January 15, 1995, thus the text indicated the provisions would be effective on that date. However, filing of the rulemaking was delayed until March 1. The Board discussed the delay with JCAR and revised text indicating the March 1 effectiveness provision was provided. Inadvertently, the original text was filed rather than the revised text. As a rulemaking cannot be retroactive, the filed text needs to be changed to indicate that the provisions were actually effective on March 1, 1995.

- 7) Information and questions regarding this request shall be directed to:

Name: Donald Jones
Address: Health Facilities Planning Board
525 West Jefferson, 2nd Floor
Springfield, Illinois 62761
Telephone: 217-782-3516

HEALTH FACILITIES PLANNING BOARD
REQUEST FOR EXPEDITED CORRECTION

TITLE 77: PUBLIC HEALTH
CHAPTER II: HEALTH FACILITIES
PLANNING BOARD
SUBCHAPTER b: OTHER BOARD RULES

PART 1130
HEALTH FACILITIES PLANNING PROCEDURAL RULES
SUBPART A: AUTHORITY, PURPOSE AND DEFINITIONS

Section	Statutory Authority/Applicability
1130.110	Public Hearings
1130.120	Purpose
1130.130	Definitions
1130.140	Incorporated Materials
1130.150	
SUBPART B: WHO IS SUBJECT TO THE HEALTH FACILITIES PLANNING ACT	
Section	Persons Subject to the Act
1130.210	Necessary Parties to the Application for Permit or Exemption
1130.220	
SUBPART C: TRANSACTIONS SUBJECT TO REVIEW	
Section	Transactions Subject to Review
1130.310	

SUBPART D: TRANSACTIONS WHICH ARE EXEMPT FROM REVIEW

Section	Transactions Which Are Exempt from Review
1130.410	

SUBPART E: PROCEDURAL REQUIREMENTS FOR EXEMPTIONS

Section	Requirements for Exemptions Involving the Acquisition of Major Medical Equipment
1130.510	Requirements for Exemptions Involving the Change in Ownership of a Health Care Facility
1130.520	Requirements for Exemptions Involving Health Maintenance Organizations (Repealed)
1130.530	Requirements for Exemptions Involving Involuntary Discontinuation of Agency Processing of an Application for Exemption
1130.540	State Board Action
1130.550	Validity of an Exemption
1130.560	
1130.570	

SUBPART F: PROCEDURAL REQUIREMENTS FOR THE REVIEW AND PROCESSING OF

HEALTH FACILITIES PLANNING BOARD

REQUEST FOR EXPEDITED CORRECTION

APPLICATIONS FOR PERMIT

Section	Duration of the Review Period and Time Frames
1130.610	Consultation, Classification and Completeness Review
1130.620	Agency Actions During the Review Period
1130.630	Extension of the Review Period Prior to Initial State Board Action
1130.640	Modification of an Application
1130.650	Approval of an Application
1130.660	Notice of Intent-to-Deny an Application
1130.670	Denial of an Application
1130.680	

SUBPART G: PERMIT VALIDITY, REPORTING REQUIREMENTS AND REVOCATION

Section	Validity of Permits
1130.710	Authorization to Obligate and Obligation
1130.720	Extension of the Obligation Period
1130.730	Renewal of a Permit
1130.740	Alteration of a Project for which a Permit Has Been Issued
1130.750	Semi-Annual Progress Reports
1130.760	Project Completion, Final Realized Costs and Cost Overruns
1130.770	Revocation of a Permit
1130.780	Penalties, Fines and Sanctions Mandated in the Illinois Health Facilities Planning Act for Non-compliance with the Act and the State Board's Rules
1130.790	

SUBPART H: DECLARATORY RULINGS

Section	Declaratory Rulings
1130.810	

APPENDIX A Annual Inflation Adjustments to Review Thresholds

AUTHORITY: Implementing and authorized by the Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1151 et seq.) [20 ILCS 3960].

SOURCE: Adopted at 14 Ill. Reg. 7183, effective May 1, 1990; emergency amendment at 15 Ill. Reg. 4787, effective March 18, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 9731, effective June 17, 1991; emergency amendments at 16 Ill. Reg. 13153, effective August 4, 1992, for a maximum of 150 days; emergency expired January 1, 1993; amended at 17 Ill. Reg. 4448, effective March 24, 1993; amended at 17 Ill. Reg. 5882, effective March 26, 1993; amended at 19 Ill. Reg. 2972, effective March 1, 1995; expedited correction at 21 Ill. Reg. 1229 —, effective March 1, 1995; recodified at 20 Ill. Reg. 2597, effective January 26, 1996.

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REQUEST FOR EXPEDITED CORRECTION

Section 1130.720 Authorization to Obligate and Obligation

- a) Projects for construction, establishment or modification must be obligated (pursuant to Section 1130.140) prior to the expiration date of the permit.
- b) Prior to obligation, the permit holder must receive an authorization to obligate the project from the Agency. Authorization is based on a demonstration by the permit holder of continued compliance with all financial and economic feasibility criteria and that the project is in compliance with the alteration requirements in Section 1130.750. It is the responsibility of the permit holder to initiate the authorization to obligate process by written notification to the Agency.
- c) Prior to signing the principal contract(s) or otherwise obligating the project by expending an amount equal to or exceeding the review thresholds for capital expenditures or acquisition of major medical equipment, or by an amount equal to or greater than 33% of the permit amount, whichever is less, the permit holder shall submit the following for an authorization to obligate request:
 - 1) project identification information including permit number and name of permit holder;
 - 2) a statement that sources of financing have not changed or, if changed, to what degree and for what reason;
 - 3) a revised breakdown of project costs and sources of funds;
 - 4) unsigned copies of all contracts, purchase orders or lease agreements involving the project; and
 - 5) a statement which lists the alterations, if any, that are proposed.
- d) Projects approved prior to March 1, 1995 January-157-1995 which do not exceed ten percent of the originally approved permit amount and which reflect continued compliance with the debt financing limitations, the financial and economic feasibility requirements, and the alteration requirements of the State Board shall be authorized to obligate.
- e) Projects approved subsequent to March 1, 1995 January-157-1995 which do not exceed the permit amount and which reflect continued compliance with the debt financing limitations, the financial and economic feasibility requirements, and the alteration requirements of the State Board shall be authorized to obligate.
- f) Projects with altered permit amounts, regardless of the permit approval date, or the alteration approval date, which do not exceed the altered permit amount and which reflect continued compliance with debt financing limitations, financial and economic feasibility requirements, and the alteration requirements of the State Board shall be authorized to obligate.
- g) Obligation of a project occurs only upon receipt of all documentation required pursuant to Part 1130.140(u) for project obligation.
- h) Permits for projects which have not been obligated prior to the expiration date of the permit shall be considered expired and the

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project abandoned.

- i) Failure to comply with the authorization to obligate requirements shall be cause for the State Board to initiate proceedings to revoke the permit and/or seek sanctions provided by the Act.

(Source: Expedited Correction at 21 Ill. Reg. 12203, effective March 1, 1995)

Section 1130.750 Alteration of a Project for which a Permit Has Been Issued

A permit is valid only for the defined construction or modification, equipment, site, amount and person(s) named in the application. Any change to a project subsequent to the State Board's issuance of a permit constitutes an alteration to the project.

- a) The permit holder shall notify the State Agency in writing of any alterations to a project for which a permit has been issued prior to incurring the proposed alteration. The notice shall include a description of the alteration and related costs (if any) as well as information regarding financing for the cost increase (if any).
- b) For alterations which require State Board approval per Section 1130.750(c), a request for alteration must be submitted to the State Agency. The request must contain a description of the proposed alteration, including related costs and financing, and must address all applicable review criteria related to the alteration.
- c) The following proposed alterations require approval by the State Board prior to the permit holder incurring the alteration:
 - 1) a change in the approved number of beds or stations; or
 - 2) abandonment of a category of service approved; or
 - 3) an increase in the square footage of the project if such increase is not in compliance with 77 Ill. Adm. Code 1110 and 1120; or
 - 4) for projects, other than Master Construction projects, approved prior to March 1, 1995 January-157-1995, an increase in the cost of the project which exceeds ten percent of the original approved permit amount; or
 - 5) for projects approved subsequent to March 1, 1995 January-157-1995, and for Master Construction projects regardless of approval date, any increase in the cost of the project which exceeds the permit amount; or
 - 6) for projects with altered permit amounts, regardless of permit approval date or alteration approval date, any increase in the altered permit amount; or
 - 7) any increase in the amount of funds to be borrowed.
- d) Alteration Procedures
 - 1) The State Agency shall review the alteration request for compliance with the review criteria and submit its findings to the State Board. If additional information is needed by the Agency to perform a review of the request, the permit holder shall be notified.

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- 2) A request for alteration reviewed by the State Board is subject to the provisions of 77 Ill. Adm. Code 1110, 1210.30, or 1120, which are applicable to the individual project. Any proposed increase to a permit amount that exceeds the State Board's thresholds for capital expenditures can be reviewed as an alteration to the project providing that there are no other components to the proposed alteration that, when taken as a separate component, require a permit under the Act. Such components and any other proposed alterations to a project which would, when taken as a separate component, require a permit under the Act, shall not be subject to review under this Section but shall require a new application.
- e) Upon approval of a request for alteration, the Agency shall revise the permit to reflect the alteration and shall adjust all inventories accordingly. If a permit holder reduces the scope or size of the project, the permit amount shall be reduced accordingly.
- f) Decisions on requests for alteration shall be transmitted, in writing, to the permit holder by the Executive Secretary.
- g) Seven affirmative votes are required for approval of an alteration. The approval or denial of a request for alteration constitutes the State Board's final administrative decision. Approval of an alteration is based on the continued compliance of the project with 77 Ill. Adm. Code 1110 or 1120, as applicable.
- h) Any alteration without State Board approval (when required) shall be considered a violation of the Act and shall be subject to the penalties mandated in the Act and in Section 1130.790.

(Source: Expedited Correction at 21 Ill. Reg. **1220**, effective March 1, 1995)

Section 1130.770 Project Completion, Final Realized Costs and Cost Overruns

Each permit holder shall notify the State Agency regarding completion of the project.

- a) For projects with no cost, the permit holder must submit a written notice of project completion to the Agency. Such notice is required only when a completion date has not been determined by the Agency pursuant to Section 1130.140(g).
- b) For projects which have costs that will be submitted for reimbursement pursuant to Titles XVIII and XIX of the Social Security Act, the permit holder must submit a report of final realized costs containing the following:
- 1) a detailed itemization of all project costs and sources of funds as detailed in 77 Ill. Adm. Code 1120;
 - 2) an itemization of those project costs which have been or will be submitted for reimbursement under Title XVIII and XIX;
 - 3) a certification that the final realized costs are the total costs required to complete the project and that there are no additional

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- or associated costs or capital expenditures related to the project which will be submitted for reimbursement under Title XVIII or XIX;
- 4) verification of the required information signed by two officers of the legal entity that is the permit holder.
- c) For projects which have costs that will not be submitted for reimbursement pursuant to Title XVIII and XIX of the Social Security Act, the permit holder must submit a report of final realized cost containing the following:
- 1) a detailed itemization of all project costs and sources of funds as detailed in 77 Ill. Adm. Code 1120;
 - 2) a certification of the expenditures and sources of funds by an independent auditor;
 - 3) verification that the final realized costs are the total costs required to complete the project and that there are no additional or associated capital expenditures related to the project. The verification is to be signed by two officers of the legal entity that is the permit holder.
- d) Failure to file final realized costs reports will result in subsequent applications for permit filed by the permit holder to be deemed incomplete until the required report is filed.
- e) All permits for projects which are not completed in required timeframes shall constitute a basis to revoke the permit, unless renewed by the State Board (reference Section 1130.710 and 1130.740).
- f) For projects approved prior to the March 1, 1995 January-15-1995, if the final realized cost exceeds the originally approved permit amount or revised permit amount (if less than the original amount) by more than ten percent, the amount over ten percent shall be considered a cost overrun without a permit unless subsequently approved by the State Board.
- g) For projects which have an altered permit amount approved by the State Board, regardless of permit or alteration approval date, any amount of the final realized cost which exceeds the revised permit amount shall be considered a cost overrun and without permit unless subsequently approved by the State Board.
- h) For projects approved subsequent to March 1, 1995 January-15-1995, any amount of the final realized cost that exceeds the permit amount shall be considered a cost overrun without a permit unless subsequently approved by the State Board.
- i) Any project with a cost overrun shall not be complete until such time as the State Board determines that the project is complete.

(Source: Expedited Correction at 21 Ill. Reg. **1220**, effective March 1, 1995)

HEALTH FACILITIES PLANNING BOARD

REQUEST FOR EXPEDITED CORRECTION

Section 1130. APPENDIX A Annual Inflation Adjustments to Review Thresholds

1. Capital Expenditures (Other than Major Medical Equipment):

Baseline	Inflation Factor	Revised Review Threshold	Effective Date of Revision
\$2,000,000	1.035	\$2,070,000	
\$2,070,000	1.035	\$2,121,750	
\$2,121,750	1.035	\$2,157,820	October 1, 1991
\$2,157,820	1.027	\$2,216,448	March 26, 1993
\$2,216,448	1.074	\$2,357,193	March 1, 1995
			January-157-1995

2. Major Medical Equipment:

Baseline	Inflation Factor	Revised Review Threshold	Effective Date of Revision
\$1,000,000	1.028	\$1,028,000	
\$1,028,000	1.049	\$1,078,372	
\$1,078,372	1.037	\$1,118,272	October 1, 1991
\$1,118,272	1.036	\$1,158,530	March 26, 1993
\$1,158,530	1.023	\$1,185,176	March 1, 1995
			January-157-1995

3. Calculation of Inflation Factors:

Inflation factors, for capital equipment projects represent the percentage increase or decrease in the related health care costs from July 1st of the preceding calendar year to July 1st of the year for which the adjustment is to be made. The capital threshold is adjusted utilizing the annualized data from the report year as compared to the preceding year. A growth in costs of five percent during this twelve-month period would result in an inflation factor of 1.05.

4. Source of Data:

The capital expenditure threshold adjustment for all items other than major medical equipment is taken from the Hospitals component of Square Footage, Cubic Feet and Percent of Total Costs (Item 460) from "Building Construction Cost Data 1990, 48th Annual Edition."

*The baseline threshold amounts have been adjusted for inflation for the period of 1988 to 1989. The calculated adjustment shown reflects the 1989 to 1990 time period.

(Source: Expedited Correction at 21 Ill. Reg. 1229, effective March 1, 1995)

DEPARTMENT OF REVENUE

REQUEST FOR EXPEDITED CORRECTION

1) Heading of the Part: Retailers' Occupation Tax

2) Code Citation: 86 Ill. Adm. Code 130

3) Section Numbers: 130.805

4) Date Proposal published in Illinois Register: July 12, 1996, 20 Ill. Reg. 08961

5) Date Adoption published in Illinois Register: December 13, 1996, 20 Ill. Reg. 15753

6) Summary and Purpose of Expedited Correction: Corrects a missing word that was inadvertently removed from the text of the proposed rule.

7) Information and questions regarding this request shall be directed to:

Name: Terry D. Charlton
Address: Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Telephone: (217)782-6996

DEPARTMENT OF REVENUE

REQUEST FOR EXPEDITED CORRECTION

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 130

RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section	Character and Rate of Tax
130.101	Responsibility of Trustees, Receivers, Executors or Administrators
130.105	Occasional Sales
130.110	Sale of Used Motor Vehicles by Leasing or Rental Business
130.111	Habitual Sales
130.115	Nontaxable Transactions
130.120	

SUBPART B: SALE AT RETAIL

Section	The Test of a Sale at Retail
130.201	Sales for Transfer Incident to Service
130.205	Sales of Tangible Personal Property to Purchasers for Resale
130.210	Further Illustrations
130.215	Sales to Lessors of Tangible Personal Property
130.220	

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section	Farm Machinery and Equipment
130.305	Food, Drugs, Medicines and Medical Appliances
130.310	Fuel Sold for Use in Vessels on Rivers Bordering Illinois
130.315	Gasohol
130.320	Fuel Used by Air Common Carriers in International Flights
130.321	Graphic Arts Machinery and Equipment Exemption
130.325	Manufacturing Machinery and Equipment
130.330	Pollution Control Facilities
130.335	Rolling Stock
130.340	Oil Field Exploration, Drilling and Production Equipment
130.345	Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment
130.350	

SUBPART D: GROSS RECEIPTS

Section	Meaning of Gross Receipts
130.401	How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser
130.405	Cost of Doing Business Not Deductible
130.410	

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REQUEST FOR EXPEDITED CORRECTION

130.415	Transportation and Delivery Charges
130.420	Finance or Interest Charges--Penalties--Discounts
130.425	Traded-In Property
130.430	Deposit or Prepayment on Purchase Price
130.435	State and Local Taxes Other Than Retailers' Occupation Tax
130.440	Penalties
130.445	Federal Taxes
130.450	Installation, Alteration and Special Service Charges
130.455	Motor Vehicle Leasing and Trade-In Allowances

SUBPART E: RETURNS

Section	Monthly Tax Returns--When Due--Contents
130.501	Quarterly Tax Returns
130.502	Returns and How to Prepare
130.505	Annual Tax Returns
130.510	First Return
130.515	Final Returns When Business is Discontinued
130.520	Who May Sign Returns
130.525	Returns Covering More Than One Location Under Same Registration--Separate Returns for Separately Registered Locations
130.530	Payment of the Tax, Including Quarter Monthly Payments in Certain Instances
130.535	Returns on a Transaction by Transaction Basis
130.540	Registrants Must File a Return for Every Return Period
130.545	Filing of Returns for Retailers by Suppliers Under Certain Circumstances
130.550	Prepayment of Retailers' Occupation Tax on Motor Fuel
130.551	Vending Machine Information Returns
130.555	Verification of Returns
130.560	

SUBPART F: INTERSTATE COMMERCE

Section	Preliminary Comments
130.601	Sales of Property Originating in Illinois
130.605	Sales of Property Originating in Other States
130.610	

SUBPART G: CERTIFICATE OF REGISTRATION

Section	General Information on Obtaining a Certificate of Registration
130.701	Procedure in Disputed Cases Involving Financial Responsibility Requirements
130.705	Procedure When Security Must be Forfeited
130.710	Sub-Certificates of Registration
130.715	Separate Registrations for Different Places of Business of Same
130.720	

DEPARTMENT OF REVENUE

REQUEST FOR EXPEDITED CORRECTION

130.725 Taxpayer Under Some Circumstances
 130.730 Display
 130.730 Replacement of Certificate
 130.735 Certificate Not Transferable
 130.740 Certificate Required For Mobile Vending Units
 130.745 Revocation of Certificate

SUBPART H: BOOKS AND RECORDS

Section
 130.801 General Requirements
 130.805 What Records Constitute Minimum Requirement
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130.1915 Stamps and Like Articles
 130.1920 Auctioneers and Agents
 130.1925 Barbers and Beauty Shop Operators
 130.1930 Blacksmiths
 130.1930 Chiropractists, Osteopaths and Chiropractors
 130.1935 Computer Software
 130.1940 Construction Contractors and Real Estate Developers
 130.1945 Co-operative Associations
 130.1950 Dentists
 130.1951 Enterprise Zones
 130.1952 Sales of Building Materials to a High Impact Business
 130.1955 Farm Chemicals
 130.1960 Finance Companies and Other Lending Agencies - Installment Contracts
 - Repossessions
 130.1965 Florists and Nurserymen
 130.1970 Hatcheries
 130.1975 Operators of Games of Chance and Their Suppliers
 130.1980 Optometrists and Opticians
 130.1985 Pawnbrokers
 130.1990 Peddlers, Hawkers and Itinerant Vendors
 130.1995 Personalizing Tangible Personal Property
 130.2000 Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers
 130.2005 Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons
 130.2006 Sales by Teacher-Sponsored Student Organizations
 130.2007 Exemption Identification Numbers
 130.2008 Sales by Nonprofit Service Enterprises
 130.2010 Persons Who Rent or Lease the Use of Tangible Personal Property to Others
 130.2015 Persons Who Repair or Otherwise Service Tangible Personal Property
 130.2020 Physicians and Surgeons
 130.2025 Picture-Framers
 130.2030 Public Amusement Places
 130.2035 Registered Pharmacists and Druggists
 130.2040 Retailers of Clothing
 130.2045 Retailers on Premises of the Illinois State Fair, County Fairs, Art Shows, Flea Markets and the Like
 130.2050 Sales and Gifts By Employers to Employees
 130.2055 Sales by Governmental Bodies
 130.2060 Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
 130.2065 Sales of Automobiles for Use In Demonstration
 130.2070 Sales of Containers, Wrapping and Packing Materials and Related Products
 130.2075 Sales To Construction Contractors, Real Estate Developers and Speculative Builders
 130.2080 Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel

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130.2085 Sales to or by Banks, Savings and Loan Associations and Credit Unions
 130.2090 Sales to Railroad Companies
 130.2095 Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
 130.2100 Sellers of Feeds and Breeding Livestock
 130.2105 Sellers of Newspapers, Magazines, Books, Sheet Music and Phonograph Records and Their Suppliers
 130.2110 Sellers of Seeds and Fertilizer
 130.2115 Sellers of Machinery, Tools and the Like
 130.2120 Suppliers of Persons Engaged in Service Occupations and Professions
 130.2125 Trading Stamps and Discount Coupons
 130.2130 Undertakers and Funeral Directors
 130.2135 Vending Machines
 130.2140 Vendors of Curtains, Slip Covers, Floor Covering and Other Similar Items Made to Order
 130.2145 Vendors of Meals
 130.2150 Vendors of Memorial Stones and Monuments
 130.2155 Vendors of Signs
 130.2156 Vendors of Steam
 130.2160 Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.
 130.2165 Veterinarians
 130.2170 Warehousemen
 ILLUSTRATION A: Examples of Tax Exemption Cards

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 39b3 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b3].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11

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Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 12377, effective December 2, 1996.

Section 130.805 What Records Constitute Minimum Requirement

- a) In General. A taxpayer shall maintain all records that are necessary to a determination of the correct tax liability under the Act. All required records must be made available on request by the Department. Where a taxpayer's business consists exclusively of the sale of tangible personal property at retail, the following records will be deemed by the Department to constitute a minimum for the purposes of the Act:
 - 1) Cash register tapes and other data which will provide a daily record of the gross amount of sales.
 - 2) A record of the amount of merchandise purchased. To fulfill this requirement, copies of all vendors' invoices and taxpayers' copies of purchase orders must be retained serially and in sequence as to date.
 - 3) A true and complete inventory of the value of stock on hand taken at least once each year.
- b) Records prepared by Automated Data Processing Systems (ADP). When an ADP tax accounting system is used to maintain all or part of a taxpayer's accounting or financial records, such ADP system must include a method of producing legible and readable records which will

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provide the necessary information for verifying tax liability. If a taxpayer retains records required to be retained under Section 130.801 of this Part, in both machine-sensible and hard-copy formats, the taxpayer shall make the records available to the Department in machine-sensible format upon request of the Department in accordance with Section 130.805(b)(5)(B). ADP accounting systems encompass all types of data processing systems including, but not limited to, mainframe computer systems, stand-alone or networked microcomputer systems, Database Management Systems (DBMS) and systems using Electronic Data Interchange (EDI) technology.

- 1) Definitions
 - A) "Database Management System" or "DBMS" means a software system that creates, controls, relates, retrieves and provides accessibility to data stored in a database.
 - B) "Electronic Data Interchange" or "EDI technology" means the computer-to-computer exchange of business transactions in a standardized structured electronic format.
 - C) "Machine-sensible record" means a collection of related information in an electronic format. Machine-sensible records do not include hard-copy records that are created or recorded on paper or stored in or by an imaging system such as microfilm, microfiche or storage-only imaging systems.
 - D) "Storage-only imaging systems" means a system of computer hardware and software that provides for the storage, retention and retrieval of documents originally created on paper. It does not include any system, or part of a system, that manipulates or processes any information or data contained on the document in any manner other than to reproduce the document in hard-copy or as an optical image.
 - E) "Hard-copy" means any documents, records, reports or other data printed on paper.
- 2) Recordkeeping Requirements - Machine-Sensible Records
 - A) General Requirements
 - i) Machine-sensible records used to establish tax compliance shall be retained by the taxpayer. The retained records shall provide sufficient information to establish matters required to be shown by a taxpayer in any tax or information returns. The machine-sensible records shall contain sufficient transaction-level detail information so that the details and the source documents underlying the machine-sensible records can be identified and made available to the Department upon request.
 - ii) The retained records should reconcile to the books and to the tax return by establishing the relationship (e.g., the audit trail) between the total of the amounts in the retained records to the totals in the books and to the tax return.

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iii) The retained records must be capable of being processed. For purposes of this Section, "capable of being processed" means to be able to retrieve, manipulate, print hard-copy, or produce other output. This term does not encompass any requirement that the program or system that created the computer data be available to process the data unless the process is essential to a tax-related computation.

iv) Taxpayers are not required to construct machine-sensible records other than those created in the ordinary course of business. A taxpayer who does not create the electronic equivalent of a traditional paper document in the ordinary course of business is not required to construct such a record for tax purposes.

v) All records required to be retained under this Section shall be preserved unless the Department has provided in writing that the records are no longer required as explained in Section 130.825 of this Part.

B) Electronic Data Interchange

i) Where a taxpayer uses electronic data interchange processes and technology, the level of record detail, in combination with other records related to the transaction, must be equivalent to the level of detail contained in an acceptable paper record. For example, the retained records should contain such information as vendor name, invoice date, product description, quantity purchased, price, amount of tax, indication of tax status, shipping detail, etc. Codes may be used to identify some or all of the data elements, provided that the taxpayer provides a method which allows the Department to interpret the coded information.

ii) The taxpayer may capture the information necessary to satisfy subsection (b)(2)(B)(i) at any level within the accounting system and need not retain the original EDI transaction records provided the audit trail, authenticity and integrity of the retained records can be established.

For example, a taxpayer using electronic data interchange technology receives electronic invoices from its suppliers. The taxpayer decides to retain the invoice data from completed and verified EDI transactions in its accounts payable system rather than to retain the EDI transactions themselves. Since neither the EDI transaction nor the accounts payable system captures information from the invoice pertaining to product description and vendor name

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(i.e., they contain only codes for that information), the taxpayer also retains other records, such as its vendor master file and product code description lists and makes them available to the Department. In this example, the taxpayer need not retain its EDI transaction for tax purposes.

C) Electronic Data Processing Systems Requirements. The requirements for an electronic data processing accounting system are similar to that of a manual accounting system, in that an adequately designed accounting system should incorporate methods and records that will satisfy the requirements of this Section.

3) Recordkeeping Requirements - ADP Systems Documentation

A) Upon the request of the Department, the taxpayer shall provide a description of the business process that created the retained records. Such description shall include the relationship between the records and the tax documents prepared by the taxpayer and the measures employed to ensure the authenticity and integrity of the records.

B) The taxpayer shall be capable of demonstrating:

- i) the functions being performed as they relate to the flow of data through the system;
- ii) the internal controls used to ensure accurate and reliable processing; and
- iii) the internal controls used to prevent the unauthorized addition, alteration or deletion of retained records.

C) The following specific documentation is required for machine-sensible records pursuant to this Section:

- i) record formats and layouts;
 - ii) field definitions (including the meaning of all "codes" used to represent information);
 - iii) file descriptions (e.g., data set name); and
 - iv) detailed charts of accounts and account descriptions.
- D) Any changes to the items specified in subsections (b)(3)(B) and (C) above, together with their effective dates, shall be documented and made available to the Department upon request.

4) Machine-Sensible Records Maintenance Requirements

A) The establishment of records management practices is solely at the discretion of the taxpayer, who ultimately bears the burden of producing records capable of being processed at the time of an examination by the Department. The Department recommends but does not require that taxpayers refer to the National Archives and Record Administration's (NARA) standards for guidance on the maintenance and storage of electronic records.

B) In establishing records management practices, taxpayers should consider, for example, the labeling of records, the

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security of the storage environment, the creation of back-up copies and their storage location and the use of periodic testing to confirm the continued integrity of the records.

- C) The NARA standards may be found at 36 CFR 1234, July 1, 1995 edition.
- D) The taxpayer's computer hardware or software shall accommodate the processing of or the extraction and conversion of retained machine-sensible records.
- 5) Access to Machine-Sensible Records. The manner in which the Department is provided access to machine-sensible records as required in Section 130.805(b) and Section 130.801(d) of this Part may be satisfied through a variety of means that shall take into account a taxpayer's facts and circumstances through consultation with the taxpayer. Such access will be provided in one or more of the following manners:

- A) A taxpayer may provide the Department copies of the machine-sensible records for use on the Department's equipment;
- B) The taxpayer may arrange to provide the Department with the hardware, software and personnel resources necessary to access and process the machine-sensible records;
- C) The taxpayer may arrange for a third party to provide the hardware, software and personnel resources necessary to access and process the machine-sensible records;
- D) The taxpayer may convert machine-sensible records to a standard record format specified by the Department on a magnetic medium that is agreed to by the Department. This may include conversion to a different medium (e.g., from mainframe files to microcomputer diskette). These records may be processed on the Department's equipment or at the taxpayer's location;
- E) The taxpayer and the Department may agree on other means of providing access to the machine-sensible records.
- 6) Taxpayer Responsibility and Discretionary Authority
- A) In discharging their responsibilities under the Act, taxpayers are empowered to determine which of their machine-sensible records must be retained and which records may be discarded. These determinations require a consideration of all the facts and circumstances, including whether duplicated or redundant records exist.
- B) In general, taxpayers should retain the machine-sensible records that are the most direct evidence of the transactions, and have discretion to discard duplicated records and redundant information. In exercising this discretion, the taxpayer should generally retain those records that best facilitate the retrieval and processing of the data during an audit. For example, departmental records stored in departmental data files that are duplicated in a

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central system could be discarded provided that all required information in the departmental records is contained in the central system and the requirements of this Section are met. Similarly, daily or weekly data files could be discarded provided that appropriate monthly, quarterly or annual data files with the ability to access appropriate transaction-level records are available.

- C) In conjunction with meeting the requirements of this Section, a taxpayer may create files solely for the use of the Department. For example, if a database management system is used, it is consistent with this Section for the taxpayer to create and retain a file that contains the transaction-level detail from the database management system and that meets the requirements of the Section. The taxpayer should document the process that created the separate file to show the relationship between that file and the original records.

- D) A taxpayer may contract with a third party to provide custodial or management services of the records. Such a contract shall not relieve the taxpayer of its responsibilities under this Section.

- c) Alternative Storage Media. For purposes of storage and retention, taxpayers may convert hard-copy documents received or produced in the normal course of business and required to be retained under this Section to microfilm, microfiche or other storage-only imaging systems and may discard the original hard-copy documents, provided the conditions of this Section are met. These records are not a substitute for machine-sensible records (e.g., magnetic tapes, magnetic cartridges or magnetic disks) described in subsection (b) of this Section. Documents which may be stored on these media include, but are not limited to, general books of account, journals, voucher registers, general and subsidiary ledgers and supporting records of details, such as sales invoices, purchase invoices, exemption certificates and credit memoranda. Microfilm, microfiche and other storage-only imaging systems shall meet the following requirements:

- 1) Documentation establishing the procedures for converting the hard-copy documents to microfilm, microfiche or other storage-only imaging systems must be maintained and made available on request. Such documentation shall, at a minimum, contain sufficient description to allow an original document to be followed through the conversion system as well as internal procedures established for inspection and quality assurance.
- 2) Procedures must be established for the effective identification, processing, storage and preservation of the stored documents and for making them available for the periods they are required to be retained under the Retailers' Occupation Tax Act [35 ILCS 120].
- 3) All data stored on microfilm, microfiche or other storage-only imaging systems must be maintained and arranged in a manner that

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- permits the location of any particular record.
- 4) Microfiche, microfilm or other storage-only imaging systems records must be indexed, cross-referenced and labeled to show beginning and ending numbers or beginning and ending alphabetical listing of documents included, and must be systematically filed to permit the immediate location of any particular record. A posting reference must be on each document and a control log or catalog of such documents must be maintained.
 - 5) Upon request of the Department, a taxpayer must provide facilities and equipment, in good working order, for reading, locating and reproducing any documents maintained on microfilm, microfiche or other storage-only imaging systems.
 - 6) When displayed on such equipment or reproduced on paper, the documents must exhibit a high degree of legibility and readability. For this purpose, legibility is defined as the quality of a letter or numeral that enables the observer to identify it positively and quickly to the exclusion of all other letters or numerals. Readability is defined as the quality of a group of letters or numerals being recognized as words or complete numbers.
 - 7) There must be no substantial evidence that the microfilm, microfiche or other storage-only imaging systems lack authenticity or integrity.
- d) Effect on Hard-Copy Recordkeeping Requirements
- 1) Except as otherwise provided, the provisions of this Section do not relieve taxpayers of the responsibility to retain hard-copy records that are created or received in the ordinary course of business as required by existing law and regulations. Hard-copy records may be retained on a recordkeeping medium provided in subsection (c).
 - 2) If hard-copy records are not produced or received or required to be produced or received in the ordinary course of transacting business (i.e., when the taxpayer uses electronic data interchange technology), such hard-copy records need not be created.
 - 3) Unless hard-copy records are required to be provided or received, hard-copy records generated at the time of a transaction need not be retained if all the details relating to the transaction are subsequently received by the taxpayer in an EDI transaction and are retained by the taxpayer in accordance with this Section.
 - 4) Hard-copy records generated at the time of a transaction using a credit or debit card must be retained unless all the details necessary to determine correct tax liability relating to the transaction are subsequently received and retained by the taxpayer in accordance with this Section. Such details include, but may not be limited to, those listed in subsection (b)(2)(B).
 - 5) Computer printouts that are created for validation, control or other temporary purposes need not be retained.

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- 6) Nothing in this Section shall prevent the Department from requesting hard-copy printouts of retained machine-sensible records. These requests may be made either at the time of an examination or in conjunction with the testing described in Section 130.825 of this Part.

(Source: Expedited correction at 21 Ill. Reg. **1237**, effective December 2, 1996)

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF TEMPORARY SUSPENSION OF LICENSE ISSUED
UNDER THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(g) of the Residential Mortgage License Act of 1987 ("Act"), 205 ILCS 635/4-5(g), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a temporary emergency suspension of the mortgage broker license of International Financial Corporation, 7630 West Foster Avenue, Chicago, IL 60657, License No. #M03021, effective the 8th day of January, 1997, pursuant to the authority under Section 4-5(c) of the Act.

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NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings in the *Illinois Register*:

Name of Act: Illinois Department of Revenue Sunshine Act
Citation: 20 ILCS 2515/1 et seq.

2. Summary of information:

Index of Department of Revenue income tax Private Letter Rulings and General Information Letters issued for the Third Quarter of 1996. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for a ruling. (See 86 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act. (See 86 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Addition Modifications	Property Factor
Bond Premium Amortization	Sales Factor
Dividends	Transportation Services
Interest	Other Rulings
Net Operating Loss	(Not Included Above)
Zero Coupon Bonds	Assessment
Other Rulings	Bankruptcy
(Not Included Above)	Base Income
Administrative Review	(Also See Addition Modifications,
Allocation	Fringe Benefits, Subtraction Modifi-
(For Alternative Apportionment	cations)
Rulings, See that heading)	Books and Records
Alternative Apportionment	Bulk Sales: See Sales Outside the
Amnesty	Ordinary Course of Business (Bulk
Apportionment	Sales)
Financial Organizations	Business Income
Insurance Companies	Capital Gains (Losses)

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Payroll Factor
(Also See Subtraction
Modifications)
- Valuation Limitations)
Check Off Funds
Circuit Breaker
Claims for Refund: See Refunds
Collection
Combined Unitary Return
(Also See Unitary)
Commercial Domicile
Compensations
Composite Returns
Confidentiality
Credits
Coal Research and Utilization
Credit for Replacement Tax
Paid
Credit for Residential Real
Property Taxes
Enterprise Zone Investment
Foreign Tax
High Impact Business
Investment
Jobs Tax
Replacement Tax Investment
Research and Development
Training Expense
Other Rulings
(Not Included Above)
Deficiencies
Definitions
Domestic International Sales
Corporations (DISCs)
Elections: See Combined
Unitary Return, Extensions,
Unitary
Enterprise Zones
(Also See Credits, Subtraction
Modifications)
Erroneous Refund: See Refunds
Estates
Estimated Tax
Exempt Organizations
Exemptions
Extensions
Failure to File: See Penalties
Failure to Pay: See Penalties

Farmers: See Estimated
Tax
Federal Returns
Fiduciaries
Financial Organizations: See
Apportionment
Foreclosure
Foreign Sales Corporations
(FSCs)
Foreign Tax: See Credits
Foreign Trade Zones: See
Subtraction Modifications,
Credits--Jobs Tax
Forms
Fraud: See Penalties
Fringe Benefits
IRC Sec. 125 "Cafeteria" Plans
IRC Sec. 401(k) Plans
Other Rulings (Not Included Above)
Gain (Loss): See Capital Gains
(Losses): Valuation Limitation
Information Reports
Insurance Companies: See Apportionment
Interest Income
(Also See Addition Modifications,
Subtraction Modifications)
Interest on Refunds and Deficiencies
IRC Sec. 338
Jeopardy: See Assessment
Judicial Review
Liens
Limited Liability Companies
Lottery
Military
(Also See
Subtraction Modifications)
Miscellaneous
Modification Addition:
See Addition Modifications
Modification Subtraction: See
Subtraction Modifications
Mutual Funds: See Subtraction Modi-
fications
Net Income (Loss) and Net Loss
Deduction (IITA Sec. 207)
Other Rulings
(Not Included Above)

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(Also See Base Income, Capital
Gains (Losses), Combined
Unitary Returns, Net Operating
Loss and Net Operating
Loss Deduction)
Net Operating Loss and Net
Operating Loss Deduction
Nexus: See Public Law
86-272/Nexus
Nonbusiness income
Nonresidents: See
Residency/Nonresidency
Notice and Demand: See Notices
Notices
Nuclear Decommissioning
Trusts
Overpayments: See Refunds
Partnerships
Payments
Payroll Factor: See Apportionment
Penalties
Failure to File (IITA Sec. 1001)
Failure to File Withholding
Returns (IITA Sec. 1004)
Failure to Pay (IITA Sec. 1002)
Failure to Pay Estimated Tax
(IITA Sec. 804)
Fraud (IITA Sec. 1002)
Reasonable Cause (IITA Sec. 1001)
Underpayment of Tax (IITA
Sec. 1005)
Other Rulings
(Not Included Above)
Pensions
(Also See Subtraction
Modifications)
Political Organizations
Professional Athletes
Property Factor: See
Apportionment
Property Tax: See
Subtraction Modifications
Protest
Public Law 86-272/Nexus
Rate of Tax
Real Estate Investment Trusts
Reasonable Cause: See Penalties
Refunds (Also See

Regulated Investment Companies
Replacement Tax
(Also See Credits)
Requirements of Requests for
General Information Letters
Requirements of Requests for
Private Letter Rulings
Residency/Nonresidency
Returns
(For Combined Unitary Return and
Composite Return Rulings,
See Those Headings)
Amended Returns
Due Dates
Requirements to File
Short Period Returns
Other Rulings
(Not Included Above)
S Corporations
Sales Factor: See Apportionment
Sales Outside the Ordinary Course of
Business (Bulk Sales)
Seizure
Separate Accounting: See Alternative
Apportionment
Signature
Specific Accounting
Statute of Limitations:
See Assessment,
Collection, Deficiencies
Refunds
Subchapter "S" Corporations: See S
Corporations
Subpart F Income: See Subtraction
Modifications
Subtraction Modifications
Bond Premium Amortization
Enterprise and Foreign Trade
Zones
Illinois Tax Refund
Interest on U.S. Government Obli-
gations
Military
Money Market Mutual Funds

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Subtraction Modifications)
 Statute of Limitations
 Qualified Pension Plans
 Real Estate Taxes
 Subpart F Income
 Transportation Services
 Valuation Limitation
 Other Rulings
 (Not Included Above)
 Taxability in Other States
 Taxable year
 Transferees
 (Also See Sales Outside
 the Ordinary Course of
 Business (Bulk Sales))
 Transportation Services:
 See Apportionment
 Trusts
 Uniform Penalty and
 Interest Act

Unitary
 (Also See Combined Unitary Return)
 U.S. Government Obligations: See
 Subtraction Modifications
 Valuation Limitation: See Subtraction
 Modifications
 Voluntary Disclosure Agreements
 Waiver on Assessments: See Assess-
 ment
 Withholding
 Employee Benefits
 Exemptions
 Personal Service Contracts
 (IIITA Sec. 1405.2)
 Reciprocal Agreements
 Other Rulings
 (Not Included Above)

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 25 cents per page for each page over one.

The indexes of Income Tax letter rulings for 1990, 1991, 1992, 1993, and 1994 are available for \$3.00. A cumulative Income Tax Sunshine Index of 1991 through 1989 letter rulings may be purchased for \$4.00.

3. Name and address of person to contact concerning this information:

Margaret Forth
 Legal Services Office
 101 West Jefferson Street
 Springfield, Illinois 62794
 Telephone: (217) 782-6996

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ALTERNATIVE APPORTIONMENT

IT 96-0112 08/14/1996 General Information Letter: 86 Ill. Adm. Code 100.3390 provides the procedures which must be followed by taxpayers submitting requests to use alternative allocation or apportionment.

BASE INCOME

IT 96-0104 07/24/1996 General Information Letter: Section 201(a) of the Illinois Income Tax Act provides that a tax measured by net income is imposed on every individual, corporation, trust or estate for each taxable year on the privilege of earning or receiving income in or as a resident of this State.

COLLECTION

IT 96-0098 07/01/1996 General Information Letter: A divorce decree imposing the responsibility on one of the spouses has no effect on the rights of third parties against the other spouse. Kujawinski v. Kujawinski, 71 Ill.2d 563, 574 (1978). Thus, the decree imposing the liability for unpaid tax on an ex-husband has no effect on the State's right to collect the tax from the ex-wife.

COMPENSATION

IT 96-0110 08/01/1996 General Information Letter: Section 302(a) provides, with respect to compensation paid to nonresidents, that "all items of compensation paid in this State (as determined under Section 304(a)(2)(B)) to an individual who is a nonresident at the time of such payment and all items of deduction directly allocable thereto, shall be allocated to this State."

COMPOSITE RETURNS

IT 96-0107 07/29/1996 General Information Letter: Section 502(f) of the Illinois Income Tax Act provides that the Department may promulgate rules to permit

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nonresident individual partners of the same partnership, nonresident Subchapter S corporation shareholders of the same Subchapter S corporation, and nonresident individuals transacting an insurance business under a Lloyds plan of operation, and nonresident individual members of the same limited liability company that is treated as a partnership under Section 1501(a)(16) of this Act, to file composite individual income tax returns reflecting the composite income of such individuals allocable to Illinois and to make composite individual income tax payments.

CONFIDENTIALITY

IT 96-0099 07/16/1996 General Information Letter: The request for tax information about an individual is confidential in nature and may not be disclosed.

CREDITS - FOREIGN TAX

IT 96-0116 08/27/1996 General Information Letter: Section 601(b)(3) provides a credit for taxes paid to other states and provides "the aggregate amount of tax which is imposed upon, or measured by income and which is paid by a resident for a taxable year to another state or states on income which is also subject to the tax imposed by subsection 201(a) and (b) of this Act shall be credited against the tax imposed by subsections 201(a) and (b) otherwise due under this Act for such taxable year.

CREDITS - TRAINING EXPENSE

IT 96-0103 07/22/1996 General Information Letter: The Department declined to issue either a private letter ruling or general information letter in response to the questions posed concerning the Training Expense Credit. The Department's rules on the credit set forth the Department's policies with respect to the credit; including the questions posed in the request for ruling.

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ENTERPRISE ZONES

IT 96-0130 09/20/1996 General Information Letter: In response to a request for general information, a discussion of income tax issues related to enterprise zones.

EXEMPT ORGANIZATIONS

IT 96-0118 08/29/1996 General Information Letter: Pursuant to Section 205(a) of the Illinois Income Tax Act, an organization that is exempt from federal income taxation by reason of Section 501(a) of the Internal Revenue Code is also, without application, exempt from Illinois income taxation unless it has unrelated business taxable income as determined under Section 512 of the Internal Revenue Code.

FAILURE TO PAY ESTIMATED TAX

IT 96-0119 08/29/1996 Private Letter Ruling: Section 803(a) of the Illinois Income Tax Act provides that every taxpayer other than an estate, trust, partnership, Subchapter S corporation or farmer is required to pay estimated tax for the taxable year if the amount payable as estimated tax can reasonably be expected to be more than \$250, or \$400 for corporations. Under the circumstances described in the ruling request, the taxpayer was under an obligation to make estimated payments.

NET OPERATING LOSS AND NET OPERATING LOSS DEDUCTION

IT 96-0113 08/15/1996 General Information Letter: For losses involved in taxable years ended on or after December 31, 1986, 86 Ill. Adm. Code 100.2330(a) provides: "ITTA Section 207 provides that a carryback or carryover deduction shall be allowed in the manner allowed under Section 172 of the Internal Revenue Code. The federal rules concerning the years to which a loss may be carried are contained in Section 172(b) of the Code and in Treas. Reg. Sec. 1.172-4(a)(1). These rules, as now in effect or hereafter amended, shall be followed for Illinois income tax purposes

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and shall apply to corporations, partnerships, trusts and estates.

PUBLIC LAW 86-272/NEXUS

IT 96-0109 07/31/1996 General Information Letter: Discussion of general income tax nexus principles.

IT 96-0117 08/28/1996 General Information Letter: The Department has withdrawn the proposed rules on nexus that were proposed last year for further review. The Department is currently in the midst of re-evaluating those rules and will proceed with a new rulemaking upon completion of that evaluation.

IT 96-0121 09/05/1996 General Information Letter: General discussion of income tax nexus principles.

IT 96-0125 09/16/1996 General Information Letter: General discussion of income tax nexus principles.

IT 96-0128 09/17/1996 General Information Letter: General discussion of income tax nexus issues.

IT 96-0129 09/19/1996 General Information Letter: General discussion of income tax nexus issues.

REQUIREMENTS OF REQUESTS FOR PRIVATE LETTER RULINGS

IT 96-0101 07/22/1996 General Information Letter: 2 Ill. Adm. Code 100.110(b) requires that a private letter ruling include a complete statement of the facts and other information pertinent to the request. The request must contain a complete statement of all material facts. The material facts include the identification of all interested parties, a statement of the business reasons for the transaction, and a detailed description of the transaction. The request must contain an analysis of the relation of the material facts to the issues.

RESIDENCY/NONRESIDENCY

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IT 96-0105 07/26/1996 General Information Letter: Section 1501(a)(20) of the Illinois Income Tax Act defines "resident" as a person who is in Illinois for other than a temporary or transitory purpose, or who is domiciled in Illinois but is absent from Illinois for a temporary or transitory purpose during the tax year.

IT 96-0122 09/09/1996 General Information Letter: General discussion of residency rules (100.3020).

RETURNS - OTHER RULINGS

IT 96-0100 07/19/1996 General Information Letter: At the present time, the Department has no authority to accept facsimile transmissions of tax returns.

RETURNS - REQUIREMENTS TO FILE

IT 96-0111 08/12/1996 General Information Letter: Section 502 of the Illinois Income Tax Act requires a bankruptcy trustee to file Illinois income tax returns on behalf of the estate as long as the estate is in existence and is required to file federal income tax returns.

SALES OUTSIDE THE ORDINARY COURSE OF BUSINESS (BULK SALES)

IT 96-0114 08/26/1996 General Information Letter: According to Section 902 of the Illinois Income Tax Act, the transferee must notify the Department and the transferee must also withhold an amount from the consideration to cover the outstanding state tax liability of the transferor as determined by notice from the Department or by estimation, depending upon whether notice of the transfer has been given before or after the transfer.

SUBTRACTION MODIFICATIONS - ENTERPRISE AND FOREIGN TRADE ZONES

IT 96-0108 07/31/1996 Private Letter Ruling: Based upon the information provided in the ruling request, the

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Department ruled that dividends paid by the Corporation qualify for the Enterprise Zone Dividend Subtraction.

SUBTRACTION MODIFICATIONS - QUALIFIED PENSION PLANS

IT 96-0102 07/22/1996 General Information Letter: Section 203(a) of the Illinois Income Tax Act provides that taxpayers begin their computation of Illinois taxable income with federal adjusted gross income. Under Section 203(a)(2)(F) taxpayers are allowed to subtract only the amount which was "included in such total" (i.e. your federal adjusted gross income for the tax year at issue) and only the amount which was included in adjusted gross income pursuant to Section 402(a) of the Internal Revenue Code (which provides for taxing distributions from retirement plans).

IT 96-0115 08/26/1996 General Information Letter: Response to an annual survey.

IT 96-0120 08/30/1996 General Information Letter: Response to an annual survey.

IT 96-0123 09/16/1996 General Information Letter: Response to annual survey concerning Illinois taxation of military retirement benefits.

IT 96-0124 09/16/1996 General Information Letter: Response to annual survey concerning taxation of qualified pension benefits.

IT 96-0126 09/17/1996 General Information Letter: Response to annual survey in which questions raised as to whether Illinois law has changed during the past year with respect to taxation of pension benefits.

IT 96-0127 09/17/1996 General Information Letter: Response to annual survey in which questions are raised as to whether there have been any changes to Illinois law with respect to taxation of pension benefits that would raise Davis v. Michigan type issues.

IT 96-0131 09/23/1996 General Information Letter: Response to a request for general information concerning the tax

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treatment of deferred compensation plans of a governmental unit.

VOLUNTARY DISCLOSURE AGREEMENTS

IT 96-0097 07/01/1996 General Information Letter: The voluntary disclosure program does not provide for waiver of penalties for failure to file returns or pay taxes. Section 210.126(b)(3) provides that a petition to the Board of Appeals for waiver of those penalties is a proceeding separate from the voluntary disclosure program. A taxpayer may petition for a waiver of penalties under Section 210.120 whether or not the taxpayer is participating in the voluntary disclosure program.

WITHHOLDING - EXEMPTIONS

IT 96-0106 07/26/1996 General Information Letter: Section 100.7110(h)(3) of the Department's rules provides that an employee who wishes to contest the Department's actions in declaring his or her IL-W-4 to be invalid may file with the Department or the employer a new IL-W-4 with an attached statement explaining the rationale for declaring the number of exemptions stated on the IL-W-4. The new certificate does not become effective until the Department has ruled it to be valid.

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- a) Part(s) (Heading and Code Citation): Animal Diagnostic Laboratory Act, 8 Ill. Adm. Code 110

1) Rulemaking:

A) Description: The Department will propose a fee to charge for "rush processing" special requests of CELISA tests for equine infectious anemia. A general category for charging fees for shipping and/or postage costs will be proposed.

B) Statutory Authority: Animal Disease Laboratory Act [510 ILCS 10]

C) Schedule meeting/hearing date: Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet either in the late spring or early summer to consider the proposed amendments. A public hearing on the proposed rulemaking will run concurrently with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of the proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: April or May 1997

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect veterinarians and those requesting Department laboratory services.

F) Agency contact person for information:

Dr. Richard Hull
Illinois Department of Agriculture
P.O. Box 19281
Springfield, IL 62794-9281
217/782-4944 FAX: 217/524-7702

G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Swine Disease Control and Eradication Act, 8 Ill. Adm. Code 105

1) Rulemaking:

A) Description: The Department will adopt the updated Pseudorabies Eradication State-Federal-Industry Program Standards that are effective January 1, 1997.

B) Statutory Authority: Illinois Swine Disease Control and

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- Eradication Act [510 ILCS 100], the Illinois Pseudorabies Control Act [510 ILCS 90], and the Illinois Swine Brucellosis Act [510 ILCS 95].

C) Schedule meeting/hearing date: Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet either in the late spring or early summer to consider the proposed amendments. A public hearing on the proposed rulemaking will run concurrently with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of the proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: April or May 1997

E) Effect on small businesses, small municipalities or not-for-profit corporations: No adverse impact is anticipated.

F) Agency contact person for information:

Dr. Richard Hull
Illinois Department of Agriculture
P.O. Box 19281
Springfield, IL 62794-9281
217/782-4944 FAX: 217/524-7702

G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): Illinois Pseudorabies Control Act, 8 Ill. Adm. Code 115

1) Rulemaking:

A) Description: The Department will adopt the revised Pseudorabies Eradication State-Federal-Industry Program Standards that are effective January 1, 1997, including revisions in the requirement for establishing and maintaining Qualified Pseudorabies Negative and Qualified Negative Gene-Altered Vaccinated Herds. The Department will also adopt guidelines for movement of feeder pigs entering Illinois from Stage I or Stage II states that move from nurseries to off-site finishers within the State.

B) Statutory Authority: Illinois Pseudorabies Control Act [510 ILCS 90].

C) Schedule meeting/hearing date: Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners.

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This advisory board will meet either in the late spring or early summer to consider the proposed amendments. A public hearing on the proposed rulemaking will run concurrently with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of the proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: April or May 1997

E) Effect on small businesses, small municipalities or not-for-profit corporations: Persons operating hog operations consisting of a nursery facility stocked with swine from pseudorabies Stage I or II states where these hogs are then moved to an off-site finisher within the State will be required to conduct a monitoring test of the nursery before these animals will be allowed to move.

F) Agency contact person for information:

Dr. Richard Hull
Illinois Department of Agriculture
P.O. Box 19281
Springfield, IL 62794-9281
217/782-4944 FAX: 217/524-7702

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Illinois Bovine Tuberculosis Eradication Act, 8 Ill. Adm. Code 80

1) Rulemaking:

A) Description: Proposed amendments will clarify that bison are included under the program for certifying herds free of bovine tuberculosis. Additional amendments will establish that Illinois does not recognize another state's tuberculosis status regarding bison.

B) Statutory Authority: Illinois Bovine Tuberculosis Eradication Act [510 ILCS 35]

C) Schedule meeting/hearing date: Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet either in the late spring or early summer to consider the proposed amendments. A public hearing on the proposed rulemaking will run concurrently with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following

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publication of the proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: April or May 1997

E) Effect on small businesses, small municipalities or not-for-profit corporations: As the herd certification program is a voluntary program, there is no mandated effect on small business, municipalities or not-for-profit corporations. The non-recognition of state status for bison would affect persons exporting bison to Illinois as the animals would be required to have a negative test for tuberculosis prior to entry. There would be no impact on Illinois producers or industry.

F) Agency contact person for information:

Dr. Richard Hull
Illinois Department of Agriculture
P.O. Box 19281
Springfield, IL 62794-9281
217/782-4944 FAX: 217/524-7702

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Diseased Animals, 8 Ill. Adm. Code 85

1) Rulemaking:

A) Description: Proposed amendments will establish guidelines for an Illinois Paratuberculosis (John's disease) Voluntary Certification Program and cervid herds as brucellosis-free.

B) Statutory Authority: Illinois Diseased Animals Act [510 ILCS 50]; Section 6 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/6]; Livestock Auction Market Law [225 ILCS 640]; and Equine Infectious Anemia Control Act [510 ILCS 65].

C) Schedule meeting/hearing date: Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet either in the late spring or early summer to consider the proposed amendments. A public hearing on the proposed rulemaking will run concurrently with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of the proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: April or May 1997

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- E) Effect on small businesses, small municipalities or not-for-profit corporations: As this will be a voluntary program, no adverse impact is anticipated.

F) Agency contact person for information:

Dr. Richard Hull
Illinois Department of Agriculture
P.O. Box 19281
Springfield, IL 62794-9281
217/782-4944 FAX: 217/524-7702

- G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Grain Code, 8 Ill. Adm. Code 2811) Rulemaking:

- A) Description: A proposed amendment to Section 281.50(a)(8)(f) is needed to clarify any misinterpretation or confusion as to the treatment of a price later contract when a producer does not execute the price later contract within 30 days of the last date of delivery of grain on that contract. The existing rule states that the contract is void; however, the contract is void, at most, only in reference to the ability of the producer to price the grain after the 30 day period. The amendment is merely a corrective one.

- B) Statutory Authority: Grain Code [240 ILCS 40]

- C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of the proposed rulemaking in the *Illinois Register*.

- D) Date Agency anticipates First Notice: January 1997

- E) Effect on small businesses, small municipalities or not-for-profit corporations: No adverse impact is anticipated.

F) Agency contact person for information:

Tom Jennings
Illinois Department of Agriculture
P.O. Box 19281
Springfield, IL 62794-9281
217/785-4195 FAX: 217/524-7801

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- G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Egg and Egg Products Act, 8 Ill. Adm. Code 651) Rulemaking:

- A) Description: Amendments regarding temperature requirements for the transportation of eggs and the maximum temperature at which eggs must be stored may be proposed.

- B) Statutory Authority: Section 13 of the Illinois Egg and Egg Products Act [410 ILCS 615/13]

- C) Schedule meeting/hearing date: No meetings are scheduled at this time. Written comments may be submitted during the 45-day public comment period following publication of the proposed rulemaking in the *Illinois Register*.

- D) Date Agency anticipates First Notice: Unknown

- E) Effect on small businesses, small municipalities or not-for-profit corporations: Egg licensees are affected. There is concern regarding the difference of temperature requirements for eggs between the Illinois Department of Agriculture and the Illinois Department of Public Health.

- F) Agency contact person for information:

Sid Colbrook
Illinois Department of Agriculture
P.O. Box 19281
Springfield, IL 62794-9281
217/785-8300 FAX: 217/524-7801

- G) Related rulemakings and other pertinent information: None

h) Part(s) (Heading and Code Citation): Weights and Measures Act, 8 Ill. Adm. Code 6001) Rulemaking:

- A) Description: Proposed amendments will include the following: delete retroactive requirement UR.2.2. Ticket Printer; Customer Ticket of the Vehicle-Tank Meters Code of NIST Handbook 44. The new proposed section will require all vehicle tank meters to be

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equipped with a ticket printer effective January 1, 1999. Section 600.320 will be amended to revise testing procedures for scales used for the enforcement of highway weight laws.

B) Statutory Authority: Weights and Measures Act [225 ILCS 470]

C) Schedule meeting/hearing date: No meetings are scheduled at this time. Written comments may be submitted during the 45-day public comment period following publication of the proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice: January or February 1997

E) Effect on small businesses, small municipalities or not-for-profit corporations: Costs associated with businesses retrofitting ticket printers on existing vehicle tank meters will be eliminated. No adverse impact is anticipated for proposed amendments to Section 600.320.

F) Agency contact person for information:

Sid Colbrook
Illinois Department of Agriculture
P.O. Box 19281
Springfield, IL 62794-9281
217/785-8300 FAX: 217/524-7801

G) Related rulemakings and other pertinent information: None

i) Part(s) (Heading and Code Citation): Anhydrous Ammonia, Low Pressure Nitrogen Solutions, Equipment, Containers, and Storage Facilities, 8 Ill. Adm. Code 215

1) Rulemaking:

A) Description: Proposed amendments will adopt many of the national standards for the safe handling of anhydrous ammonia allowing the Department to utilize new technology and equipment developed since the last rulemaking.

B) Statutory Authority: Illinois Fertilizer Act of 1961 [505 ILCS 80]

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of the proposed rulemaking in the Illinois Register.

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D) Date Agency anticipates First Notice: July 1997

E) Effect on small businesses, small municipalities or not-for-profit corporations: No adverse impact is anticipated.

F) Agency contact person for information:

Mark Ringler
Illinois Department of Agriculture
P.O. Box 19281
Springfield, IL 62794-9281
217/785-1082 FAX: 217/524-7801

G) Related rulemakings and other pertinent information: None

j) Part(s) (Heading and Code Citation): Illinois Seed Law, 8 Ill. Adm. Code 230

1) Rulemaking:

A) Description: Proposed amendments will allow the Department to offer different tests that are currently available for seed products and allow the establishment of fees for these tests (i.e. T2, seed count, etc.). These amendments will allow for the Department to update its services offered to those groups or individuals wishing to utilize them.

B) Statutory Authority: Illinois Seed Law [505 ILCS 110]

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of the proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice: April 1997

E) Effect on small businesses, small municipalities or not-for-profit corporations: No adverse impact is anticipated.

F) Agency contact person for information:

Mark Ringler
Illinois Department of Agriculture
P.O. Box 19281
Springfield, IL 62794-9281
217/785-1082 FAX: 217/524-7801

G) Related rulemakings and other pertinent information: None

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- k) Part(s) (Heading and Code Citation): Meat and Poultry Inspection Act, 8 Ill. Adm. Code 125

1) Rulemaking:

A) Description: In order to maintain an "equal to" status with the federal meat and poultry products inspection program as required by the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act and in compliance with Section 16 of the Meat and Poultry Inspection Act, the Department will adopt changes in the federal rules relative to meat and poultry products inspection. Changes in the federal rules include: (1) Inspected meat and poultry establishments must develop and implement written sanitation standard operating procedures; (2) Regular microbial testing by slaughter establishments will be required to verify the adequacy of process controls for the prevention and removal of fecal contamination and associated bacteria; (3) Establishments must meet pathogen reduction performance standards for Salmonella; and (4) All meat and poultry establishments must develop and implement a system of preventive controls designed to improve the safety of their products, known as Hazard Analysis and Critical Control Points (HACCP:). (For additional information concerning these federal amendments, please refer to the July 25, 1996 Federal Register, 61 FR 38806.)

- B) Statutory Authority: The Meat and Poultry Inspection Act [225 ILCS 650/16]

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.

- D) Date Agency anticipates First Notice: January or February 1997.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will have a significant economic impact on state-inspected meat and poultry establishments (see 61 FR 38806, July 25, 1996 Federal Register).

F) Agency contact person for information:

Dr. Kris Mazurczak
Illinois Department of Agriculture
P.O. Box 19281
Springfield, IL 62794-9281
217/782-6684 FAX: 217/524-7801

- G) Related rulemakings and other pertinent information: None

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- l) Part(s) (Heading and Code Citation): Livestock Waste Program Procedures and Implementation (code citation to be assigned)

1) Rulemaking:

A) Description: These rules will accompany the livestock waste regulations being promulgated by the Pollution Control Board (35 Ill. Adm. Code 506). These rules will set forth procedures and regulations for the Illinois Department of Agriculture to administer the Certified Livestock Manager Program, penalties associated with the Livestock Management Facilities Act, financial responsibility for new lagoons, and setback waivers.

- B) Statutory Authority: Livestock Management Facilities Act [510 ILCS 77]

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.

- D) Date Agency anticipates First Notice: February 1997

E) Effect on small businesses, small municipalities or not-for-profit corporations: These rules will complement rules under development by the Pollution Control Board for the implementation of the Livestock Management Facilities Act. These rules will set forth department procedures so further effect on businesses should be minimal.

F) Agency contact person for information:

Warren Goetsch
Illinois Department of Agriculture
P.O. Box 19281
Springfield, IL 62794-9281
217/785-8218 FAX: 217/524-4882

- G) Related rulemakings and other pertinent information: Livestock Waste Regulations, 35 Ill. Adm. Code 506 (Pollution Control Board)

- m) Part(s) (Heading and Code Citation): Illinois State Fair, and DuQuoin State Fair, Non-Fair Space Rental and the General Operation of the State Fairgrounds, 8 Ill. Adm. Code 270

1) Rulemaking:

- A) Description: Section 270.261 will be amended to state that the

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Department, with the advice of the Land of Lincoln Purebred Breeders Association, will set the percentage of the appropriation of each class or show of livestock annually and publish these percentages in the Illinois State Fair premium book. Amendments will also be proposed to clarify exclusivity of products on the fairgrounds.

B) Statutory Authority: State Fair Act [20 ILCS 210] and Section 40.14 and Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16 and 40.14]

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: January 1997

E) Effect on small businesses, small municipalities or not-for-profit corporations: No adverse impact is anticipated.

F) Agency contact person for information:

Janet Mathis
Illinois Department of Agriculture
P.O. Box 19281
Springfield, IL 62794-9281
217/782-3629 FAX: 217/524-6194

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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a) Part(s) (Heading and Code Citation): State (of Illinois) Employees' Deferred Compensation Plan, 80 Ill. Adm. Code 2700

1) Rulemaking:

A) Description: Several amendments will be made to comply with changes in the Internal Revenue Code.

B) Statutory Authority: Implementing Section 457 of the Internal Revenue Code (26 U.S.C.A. 457, et seq., as now or hereafter amended) and implementing and authorized by Section 22A-111.1 and Article 24 of the Illinois Pension Code (40 ILCS 5/22A-111.1 and Article 24)

C) Scheduled meeting/hearing dates: The Department has not scheduled any hearings on this rulemaking.

D) Date agency anticipates First Notice: January, 1997

E) Affect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not affect small business, small municipalities or not-for-profit corporations.

F) Agency contact person for information:

Stephen W. Seiple
720 Stratton Building
Springfield, IL 62706
217/782-9669

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Merit and Fitness, 80 Ill. Adm. Code 302

1) Rulemaking:

A) Description: Several clarifying changes may be made to this Part.

B) Statutory Authority: Implementing 20 ILCS 415

C) Scheduled meeting/hearing dates: The Department has not scheduled any hearings on this rulemaking.

D) Date agency anticipates First Notice: January, 1997

E) Affect on small businesses, small municipalities or not-for-profit

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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corporations: This rulemaking will not affect small business, small municipalities or not-for-profit corporations.

F) Agency contact person for information:

Stephen W. Seiple
720 Stratton Building
Springfield, IL 62706
217/782-9669

G) Related rulemakings and other pertinent information: None

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a) Part(s) (Heading and Code Citation): Procedures for Collection of Air Pollution Site Fees (35 Ill. Adm. Code 251)

1) Rulemaking:

A) Description: The proposed rule amends the Agency procedures for the collection of air pollution site fees. The amendments are necessary to keep the rules up to date with amendments to the site fee provisions in Section 9.6 of the Environmental Protection Act [415 ILCS 5/9.6] ("Act"). The Act was amended in 1993 to increase the amount of fees paid by permitted air pollution sources in Illinois based on permitted emission levels. The proposed rule only applies to sources not subject to Section 39.5 of the Act [415 ILCS 5/39.5].

B) Statutory Authority: 415 ILCS 5/9.6

C) Scheduled meeting/hearing dates: The Agency anticipates scheduling a hearing in April 1997.

D) Date Agency anticipates First Notice: February 1997

E) Affect on small businesses, small municipalities or not for profit corporations: The proposed rule will apply to small sources of air pollution that are required to carry permits, but will create no new obligations beyond those required under the Environmental Protection Act.

F) Agency contact person for information:

Bonnie Sawyer
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
217/524-3333

G) Related rulemakings and other pertinent information: None.

b) Part(s) (Heading and Code Citation): Access to Information of the Illinois Environmental Protection Agency (2 Ill. Adm. Code 1826) and Procedures for Determining and Protecting Confidential Information (2 Ill. Adm. Code 1827)

1) Rulemaking:

A) Description: This rulemaking is to update citations to the

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Illinois Compiled Statutes, update references to Illinois Environmental Protection Agency internal organization for contact people, update references to the procedural rules of the Illinois Pollution Control Board, correct typographical errors, update the fee schedule, incorporate cost effective and efficient process changes, and clarify procedures in anticipation of placing these rules on the Internet.

- B) Statutory Authority: Implementing Section 7 of the Environmental Protection Act (415 ILCS 5/7) and implementing and authorized by Section 3(g) of the Freedom of Information Act (5 ILCS 140/3(g)).

- C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.

- D) Date agency anticipates First Notice: Not yet determined.

- E) Affect on small businesses, small municipalities or not for profit corporations: These rules will affect small municipalities or not for profit corporations.

- F) Agency contact person for information:

Richard C. Warrington, Jr.
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544

- G) Related rulemakings and other pertinent information: The Illinois Pollution Control Board has released a proposal for public comment on amendments to their rules for Identification and Protection of Trade Secrets in R 97-8 on October 3, 1996.

- c) Part(s) (Heading and Code Citation): Regulatory Innovation Projects.

- 1) Rulemaking: No docket presently reserved.

- A) Description: Rules establishing procedures for the development and execution of environmental management system agreements, whereby the Illinois EPA could enter into agreements with parties regulated under the Environmental Protection Act (415 ILCS 5/1 et seq.) to implement innovative environmental measures, even if one or more of the terms of such agreements are inconsistent with otherwise applicable statutes or regulations of the State.

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- B) Statutory Authority: Implementing and authorized by Section 52.3 of the Environmental Protection Act (415 ILCS 5/52.3) as amended by P.A. 89-465, effective June 13, 1996.

- C) Scheduled meeting/hearing dates: None

- D) Date Agency anticipates First Notice: March 1997

- E) Affect on small businesses, small municipalities or not for profit corporations: The Pollution Control Board anticipates that small businesses, small not for profit corporations and small municipalities may be affected by this rule.

- F) Agency contact person for information:

Richard F. Bulger
Assistant Counsel
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544

- G) Related Rulemakings and other pertinent information: Pursuant to Section 52.3-2(c) of the Environmental Protection Act, 415 ILCS 5/52.3-2(c), the Illinois EPA is required to propose to the Pollution Control Board regulations relating to involuntary termination of environmental management system agreements. The Illinois EPA anticipates that the rule will be proposed to the Pollution Control Board by March 1997.

- d) Part(s) (Heading and Code Citation): Design Criteria for Pressure Sewage Systems

- 1) Rulemaking: No docket presently reserved.

- A) Description: This amendment deletes the requirement that all pumping units in private residences that have a pressure sewage system be publicly owned.

- B) Statutory Authority: Authorized by Sections 4(h) and 39(a) of the Illinois Environmental Protection Act, 415 ILCS 5/4(h), 5/39(a).

- C) Scheduled meeting/hearing dates: None at this time.

- D) Date agency anticipates First Notice: The Environmental Protection Agency anticipates submitting its proposal in the

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Spring of 1997.

- E) Affect on small businesses, small municipalities or not for profit corporations: These rules will affect small municipalities.

F) Agency contact person for information:

Thomas G. McSwiggin
Bureau of Water
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-0610

- G) Related Rulemakings and other pertinent information: Procedures for Determining Priorities for Assistance Awards under the Illinois Clean Lakes Program (35 Ill. Adm Code 368).

- e) Part(s) (Heading and Code Citation): Alternate Fuel Program (35 Ill. Adm. Code 275)

1) Rulemaking:

- A) Description: Pursuant to Public Law #89-410, the Agency will propose rules to: 1) establish requirements and procedures for rebates for person(s) in the State of Illinois that purchase or convert an existing vehicle to an alternate fuel vehicle that meets either the low emission vehicle (LEV) standards in 40 CFR 88 or a conventional standard; and 2) establish requirements and procedures for rebates for person(s) in the State of Illinois that purchase clean alternative fuels.

- B) Statutory Authority: Public Law #89-410.

- C) Scheduled meeting/hearing dates: The Agency anticipates scheduling a hearing at the end of February 1997.

- D) Date agency anticipates First Notice: January 1997

- E) Affect on small businesses, small municipalities or not for profit corporations: Yes. To the extent funds created under the program are available, the rules will give small businesses a new opportunity to obtain rebates for purchasing new vehicles or converting existing vehicles to alternate fuel vehicles, and will also give small businesses a new opportunity for rebates for purchasing and using clean alternative fuels. Rebates will be

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given, to the extent of available funds, for up to 80% but no more than \$4000/vehicle, as applicable, of the cost differential between an alternate fuel vehicle and a conventional vehicle, the cost of converting an existing vehicle to an alternate fuel vehicle, and the cost differential between a clean alternative fuel and conventional diesel or gasoline fuel, as appropriate. Small businesses will have priority in receiving the rebates, however, rebates are limited to the extent of available funds collected for this purpose.

F) Agency contact person for information:

Rachel L. Doctors
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
217-524-3333

- G) Related rulemakings and other pertinent information: This rulemaking is required by Public Law #89-410 and the rules governing this program will be developed in cooperation with the Task Force appointed by the Governor of Illinois.

- f) Part(s) (Heading and Code Citation): Procedures and Requirements for Conflict Resolution in Revising Water Quality Management Plans (35 Ill. Adm. Code 351).

1) Rulemaking:

- A) Description: Simplification of the process used by the Agency to resolve disputes over amendments to Illinois Water Quality Management Plans.

- B) Statutory Authority: Authorized by Sections 4(1), 4(m), and 39(b) of the Illinois Environmental Protection Act (415 ILCS 5/4(1) and 4(m) and 5/39(b)).

- C) Scheduled meeting/hearing date: Not yet determined.

- D) Date agency anticipates First Notice: Spring 1997

- E) Affect on small businesses, small municipalities or not for profit corporations: These amendments will affect small municipalities.

F) Agency contact person for information:

ENVIRONMENTAL PROTECTION AGENCY

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Richard C. Warrington
Associate Counsel
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544

- G) Related rulemakings and other pertinent information: None.

g) Part(s) (Heading and Code Citation): Procedures for Issuing Assistance Awards under the Illinois Clean Lakes Program (35 Ill. Adm Code 367).

- 1) Rulemaking: No docket presently reserved.

A) Description: The proposed rules set out the procedures under which financial assistance applications will be accepted and reviewed and monies awarded by the Illinois Environmental Protection Agency under the Clean Lakes Program.

B) Statutory Authority: These rules will be proposed pursuant to the Illinois Lakes Management Act (25 ILCS 25/1) Conservation 2000 Project (30 ILCS 105/62-31).

- C) Scheduled meeting/hearing dates: None at this time.

D) Date agency anticipates First Notice: The Environmental Protection Agency anticipates submitting its proposal in the Spring of 1997.

E) Affect on small businesses, small municipalities or not for profit corporations: These rules will affect applicants for funding assistance under the Clean Lakes Program.

- F) Agency contact person for information:

Greg Good
Bureau of Water
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-3362

G) Related Rulemakings and other pertinent information: Procedures for Determining Priorities for Assistance Awards under the Illinois Clean Lakes Program (35 Ill. Adm Code 368).

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h) Part(s) (Heading and Code Citation): Procedures for Determining Priorities for Assistance Awards under the Illinois Clean Lakes Program (35 Ill. Adm Code 368).

- 1) Rulemaking: No docket presently reserved.

A) Description: The proposed rules set out the procedures to be used by the Illinois Environmental Protection Agency in prioritizing applications for assistance awards under the Illinois Clean Lakes Program.

B) Statutory Authority: These rules will be proposed pursuant to the Illinois Lakes Management Act (25 ILCS 25/1) and the Conservation 2000 Project (30 ILCS 105/62-31).

- C) Scheduled meeting/hearing dates: None at this time.

D) Date agency anticipates First Notice: The Environmental Protection Agency anticipates submitting its proposal in Spring of 1997.

E) Affect on small businesses, small municipalities or not for profit corporations: These rules will affect applicants for funding assistance under the Illinois Clean Lakes Program.

- F) Agency contact person for information:

Greg Good
Bureau of Water
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-3362

G) Related Rulemakings and other pertinent information: Procedures for Issuing Assistance Awards under the Illinois Clean Lakes Program (35 Ill. Adm Code 367).

i) Part(s) (Heading and Code Citation): Procedures for the Operation of the Fee System for Processing Inquiry Requests for Agency Records (35 Ill. Adm. Code 877).

- 1) Rulemaking: No docket presently reserved.

A) Description: The proposed rules will set forth a system for processing inquiry requests for agency records made by a

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subsequent property owner in order to deflect liability for releases or threat of releases of hazardous substances or pesticides.

B) Statutory Authority: These rules will be proposed pursuant to Section 22.2(j)(6)(E)(v)(IV) of the Illinois Environmental Protection Act (415 ILCS 5/22.2(j)(6)(E)(v)(IV) (1992)).

C) Scheduled meeting/hearing dates: None at this time.

D) Date agency anticipates First Notice: The Environmental Protection Agency anticipates submitting its proposal in the Spring or Summer of 1997.

E) Affect on small businesses, small municipalities or not for profit corporations: This rule could potentially affect any subsequent property owner doing an inquiry request for agency records.

F) Agency contact person for information:

Kimberly A. Robinson
Assistant Counsel
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544

G) Related Rulemakings and other pertinent information: There are no related rulemakings.

ILLINOIS DEPARTMENT OF FINANCIAL INSTITUTIONS

JANUARY 1997 REGULATORY AGENCY

a) Part(s) (Heading and Code Citation): Uniform Disposition of Unclaimed Property Act (38 Ill. Adm. Code 180)

1) Rulemaking:

A) Description: Prohibits the holder of the safety deposit box from selling its contents at public sale as is currently allowed under Section 180.30.

B) Statutory Authority: (765 ILCS 1025/26)

C) Scheduled meeting/hearing dates: Not yet scheduled.

D) Date agency anticipates First Notice: Not yet determined.

E) Affect on small businesses, small municipalities or not for profit corporations: The Department of Commerce and Community Affairs has not made a determination.

F) Agency contact person for information:

M. Rose Kelly
Chief Counsel
Illinois Department of Financial Institutions
100 W. Randolph, 15-700
Chicago, IL 60601
(312) 814-2008

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Title Insurance Act (50 Ill. Adm. Code 8100)

1) Rulemaking:

A) Description: Establishes rules regarding the issuance of cease and desist orders as provided in HB 2697 in anticipation of its becoming law.

B) Statutory Authority: 215 ILCS 155/20

C) Scheduled meeting/hearing dates: Not yet scheduled.

D) Date agency anticipates First Notice: Not yet determined.

E) Affect on small businesses, small municipalities or not for profit corporations: The rule will affect certain title insurance

ILLINOIS DEPARTMENT OF FINANCIAL INSTITUTIONS

JANUARY 1997 REGULATORY AGENDA

companies.

F) Agency contact person for information:

M. Rose Kelly
Chief Counsel
Illinois Department of Financial Institutions
100 W. Randolph, 15-700
Chicago, IL 60601
(312) 814-2008

G) Related rulemakings and other pertinent information: Nonec) Part(s) (Heading and Code Citation): Illinois Credit Union Act (38 Ill. Adm. Code 190)1) Rulemaking:

A) Description: Amends the Code to shift the burden of proof in administrative hearings from the petitioner to the Department.

B) Statutory Authority: 205 ILCS 305/1 et seq.

C) Scheduled meeting/hearing dates: Not yet scheduled.

D) Date agency anticipates First Notice: January 31, 1997

E) Affect on small businesses, small municipalities or not for profit corporations: The Department of Commerce and Community Affairs has not made a determination.

F) Agency contact person for information:

M. Rose Kelly
Chief Counsel
Illinois Department of Financial Institutions
100 W. Randolph, 15-700
Chicago, IL 60601
(312) 814-2008

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF HUMAN RIGHTS

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a) Part(s) (Heading and Code Citation): Discrimination Involving Credit; 38 Ill. Adm. Code 800.1) Rulemaking:

A) Description: The Department intends to amend its existing regulations in order to clarify the regulations, to update statutory citations and to delete provisions duplicative of the Act.

B) Statutory Authority: Implementing Article 4 of the Illinois Human Rights Act [775 ILCS 5/Art 4] and authorized by Section 7-101(A) of the Illinois Human Rights Act [5 ILCS 7-101(A)].

C) Scheduled meeting/hearing dates: None scheduled at this time.

D) Date agency anticipates First Notice: February 28, 1997

E) Affect on small businesses, small municipalities or not for profit corporations: All financial institutions will be subject to the rules, but the rules will not impose any additional obligations upon small businesses.

F) Agency contact person for information:

David T. Rothal
Illinois Department of Human Rights
100 West Randolph Street
Suite 10-100
Chicago, IL 60601
312/814-6242
T.D.D.: 312/263-1579

G) Related rulemakings and other pertinent information: Noneb) Part(s) (Heading and Code Citation): Procedures of the Department of Human Rights; 56 Ill. Adm. Code 2520.1) Rulemaking:

A) Description: These amendments will change the Department's procedures for filing requests for review.

B) Statutory Authority: Implementing Sections 2-102(A) and authorized by Section 7-101(A) of the Illinois Human Rights Act [775 ILCS 2-102(A) and 7-101 (A)].

DEPARTMENT OF HUMAN RIGHTS

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- C) Scheduled meeting/hearing dates: None scheduled at this time.
- D) Date agency anticipates First Notice: February 28, 1997
- E) Affect on small businesses, small municipalities or not for profit corporations: All employers are subject to the Illinois Human Rights Act and its regulations.
- F) Agency contact person for information:
David T. Rothal
Illinois Department of Human Rights
100 West Randolph Street
Suite 10-100
Chicago, IL 60601
312/814-6242
T.D.D.: 312/263-1579

G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): Housing Discrimination; 71 Ill. Adm. Code 2520.

1) Rulemaking:

- A) Description: These amendments will clarify the exemption provided in Section 3-106(I) of the Act [775 ILCS 5/3-106(I)].
- B) Statutory Authority: Implementing Section 3-106 and authorized by Section 7-101(A) of the Illinois Human Rights Act [775 ILCS 3-106 and 7-101(A)].
- C) Scheduled meeting/hearing dates: None scheduled at this time.
- D) Date agency anticipates First Notice: June 30, 1997.
- E) Affect on small businesses, small municipalities or not for profit corporations: All employers are subject to the Illinois Human Rights Act and its regulations.
- F) Agency contact person for information:

David T. Rothal
Illinois Department of Human Rights
100 West Randolph Street
Suite 10-100
Chicago, IL 60601

DEPARTMENT OF HUMAN RIGHTS

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- 312/814-6242
T.D.D.: 312/263-1579
- G) Related rulemakings and other pertinent information: None

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DEPARTMENT OF NATURAL RESOURCES			
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a)	Parts(s) (Heading and Code Citation): Scientific Permits; 17 Ill. Adm. Code 520	E) Affect on small businesses, small municipalities or not for profit corporations: None	
1)	Rulemaking:	F) Agency contact person for information:	
	A) Description: Rules governing the taking and/or possession of Illinois Fauna for scientific purposes and the issuance of said permits for such activities.	Jack Price 524 S. Second Street Springfield, IL 62701 217/782-1809	
	B) Statutory Authority: Implementing and authorized by Sections 1-120, 1-135, and 20-100 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-135, 20-100] and Sections 1.2, 1.3, 2.1, 2.4, 3.22, and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.1, 2.4, 3.22 and 3.36].	G) Related Rulemakings and other pertinent information: None	
	C) Scheduled meeting/hearing dates: None		
	D) Date agency anticipates First Notice: March 1997		
	E) Affect on small businesses, small municipalities or not for profit corporations: Permit must be obtained from the Department.		
	F) Agency contact person for information:		
	Jack Price 524 S. Second Street Springfield, IL 62701 217/782-1809		
	G) Related Rulemakings and other pertinent information: None		
b)	Parts(s) (Heading and Code Citation): Cock Pheasant, Hungarian Partridge, Bobwhite Quail and Rabbit Hunting; 17 Ill. Adm. Code 530	E) Affect on small businesses, small municipalities or not for profit corporations: None	
1)	Rulemaking:	F) Agency contact person for information:	
	A) Description: Outlines hunting regulations for these species.	Jack Price 524 S. Second Street Springfield, IL 62701 217/782-1809	
	B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].	G) Related Rulemakings and other pertinent information: None	
	C) Scheduled meeting/hearing dates: None		
	D) Date agency anticipates First Notice: April 1997		
	E) Affect on small businesses, small municipalities or not for profit corporations: None		
	F) Agency contact person for information:		
	Jack Price 524 S. Second Street Springfield, IL 62701 217/782-1809		
	G) Related Rulemakings and other pertinent information: None		
c)	Parts(s) (Heading and Code Citation): Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting; 17 Ill. Adm. Code 550	E) Affect on small businesses, small municipalities or not for profit corporations: None	
1)	Rulemaking:	F) Agency contact person for information:	
	A) Description: Outlines regulations for hunting of these species.	Jack Price 524 S. Second Street Springfield, IL 62701 217/782-1809	
	B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].	G) Related Rulemakings and other pertinent information: None	
	C) Scheduled meeting/hearing dates: None		
	D) Date agency anticipates First Notice: April 1997		
	E) Affect on small businesses, small municipalities or not for profit corporations: None		
	F) Agency contact person for information:		
	Jack Price 524 S. Second Street Springfield, IL 62701 217/782-1809		
	G) Related Rulemakings and other pertinent information: None		
d)	Parts(s) (Heading and Code Citation): Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, Beaver and Woodchuck (Groundhog) Trapping; 17 Ill. Adm. Code 570	E) Affect on small businesses, small municipalities or not for profit corporations: None	
1)	Rulemaking:	F) Agency contact person for information:	
	A) Description: Outlines hunting regulations for these species.	Jack Price 524 S. Second Street Springfield, IL 62701 217/782-1809	
	B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].	G) Related Rulemakings and other pertinent information: None	
	C) Scheduled meeting/hearing dates: None		
	D) Date agency anticipates First Notice: April 1997		
	E) Affect on small businesses, small municipalities or not for profit corporations: None		
	F) Agency contact person for information:		
	Jack Price 524 S. Second Street Springfield, IL 62701 217/782-1809		
	G) Related Rulemakings and other pertinent information: None		

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- A) Description: Outlines regulations for trapping of these species.
- B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: April 1997

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Jack Price
524 S. Second Street
Springfield, IL 62701
217/782-1809

G) Related Rulemakings and other pertinent information: None

e) Parts(s) (Heading and Code Citation): Duck, Goose and Coot Hunting; 17 Ill. Adm. Code 590

1) Rulemaking:

A) Description: Outlines regulations for duck, goose and coot hunting.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10], and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: April 1997

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Jack Price

DEPARTMENT OF NATURAL RESOURCES

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524 S. Second Street
Springfield, IL 62701
217/782-1809

G) Related Rulemakings and other pertinent information: None

f) Parts(s) (Heading and Code Citation): White-Tailed Deer Hunting Season by Use of Handguns; 17 Ill. Adm. Code 680

1) Rulemaking:

A) Description: Outlines regulations for hunting season.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: April 1997

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Jack Price
524 S. Second Street
Springfield, IL 62701
217/782-1809

G) Related Rulemakings and other pertinent information: None

g) Parts(s) (Heading and Code Citation): Squirrel Hunting; 17 Ill. Adm. Code 690

1) Rulemaking:

A) Description: Outlines squirrel hunting regulations.

B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5].

C) Scheduled meeting/hearing dates: None

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- D) Date agency anticipates First Notice: April 1997
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
 Jack Price
 524 S. Second Street
 Springfield, IL 62701
 217/782-1809
- G) Related Rulemakings and other pertinent information: None

h) Parts(s) (Heading and Code Citation): The Taking of Wild Turkeys - Fall Gun Season; 17 Ill. Adm. Code 715

1) Rulemaking:

- A) Description: Outlines the regulations for hunting of wild turkeys - fall gun season
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: April 1997

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Jack Price
 524 S. Second Street
 Springfield, IL 62701
 217/782-1809

G) Related Rulemakings and other pertinent information: None

i) Parts(s) (Heading and Code Citation): The Taking of Wild Turkeys - Fall Archery Season; 17 Ill. Adm. Code 720

1) Rulemaking:

DEPARTMENT OF NATURAL RESOURCES

REGULATORY AGENDA - JANUARY 1997

- A) Description: Outlines the regulations for hunting of wild turkeys - fall archery season.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: April 1997
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
 Jack Price
 524 S. Second Street
 Springfield, IL 62701
 217/782-1809
- G) Related Rulemakings and other pertinent information: None

j) Parts(s) (Heading and Code Citation): Dove Hunting; 17 Ill. Adm. Code 730

1) Rulemaking:

- A) Description: Outlines the regulations for dove hunting.
- B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: April 1997

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Jack Price
 524 S. Second Street
 Springfield, IL 62701
 217/782-1809

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G) Related Rulemakings and other pertinent information: None

k) Parts(s) (Heading and Code Citation): Crow, Woodcock, Snipe, Rail and Teal Hunting; 17 Ill. Adm. Code 740

1) Rulemaking:

A) Description: Outlines the regulations for hunting migratory birds.

B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: April 1997

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Jack Price
524 S. Second Street
Springfield, IL 62701
217/782-1809

G) Related Rulemakings and other pertinent information: None

l) Parts(s) (Heading and Code Citation): Field Trails on Department-Owned or Managed Sites

1) Rulemaking:

A) Description: Outlines regulations for conducting field trials on Department-owned or managed sites.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.34, 3.1 and 3.5 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.34, 3.1 and 3.5]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January 1997

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E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Jack Price
524 S. Second Street
Springfield, IL 62701
217/782-1809

G) Related Rulemakings and other pertinent information: None

m) Parts(s) (Heading and Code Citation): Field Trials on Non-Department Owned or Managed Lands; 17 Ill. Adm. Code 930

1) Rulemaking:

A) Description: Outlines regulations for conducting field trials on non-department owned or managed lands.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.30, 2.34, 3.1 and 3.5 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.30, 2.34, 3.1 and 3.5].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: April 1997

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Jack Price
524 S. Second Street
Springfield, IL 62701
217/782-1809

G) Related Rulemakings and other pertinent information: None

n) Parts(s) (Heading and Code Citation): Dog Training on Department-Owned or -Managed Sites; 17 Ill. Adm. Code 950

1) Rulemaking:

A) Description: Outlines regulations for dog training on

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Department-owned or -managed sites.

- B) Statutory Authority: Implementing and authorized by Sections 1.4, 2.30, 2.34 and 3.5 of the Wildlife Code [520 ILCS 5/1.4, 2.30, 2.34 and 3.5].

- C) Scheduled meeting/hearing dates: None

- D) Date agency anticipates First Notice: April 1997

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Jack Price
524 S. Second Street
Springfield, IL 62701
217/782-1809

- G) Related Rulemakings and other pertinent information: None

- o) Parts(s) (Heading and Code Citation): Dog Training on Non-Department Owned or -Managed Lands; 17 Ill. Adm. Code 960

1) Rulemaking:

- A) Description: Outlines the procedures for conducting dog training on non-department owned or -managed lands.

- B) Statutory Authority: Implementing and authorized by Sections 1.4, 2.30, 2.34 and 3.5 of the Wildlife Code [520 ILCS 5/1.4, 2.30, 2.34 and 3.5].

- C) Scheduled meeting/hearing dates: None

- D) Date agency anticipates First Notice: April 1997

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Jack Price
524 S. Second Street
Springfield, IL 62701
217/782-1809

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- G) Related Rulemakings and other pertinent information: None

- p) Parts(s) (Heading and Code Citation): The Taking of Reptiles and Amphibians; 17 Ill. Adm. Code 880

1) Rulemaking:

- A) Description: Outlines the requirements for the taking of reptiles and amphibians.

- B) Statutory Authority: Implementing and authorized by Sections 5/10-30, 10-35, 10-60, 10-115, 20-5, and 20-90 of the Fish and Aquatic Life Code [515 ILCS 5/10-30, 10-35, 10-60, 10-115, 20-5, and 20-90] and the Aquaculture Development Act [20 ILCS 215/1 et seq.] and P.A. 86-1453, effective December 12, 1991.

- C) Scheduled meeting/hearing dates: None

- D) Date agency anticipates First Notice: April 1997

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Jack Price
524 S. Second Street
Springfield, IL 62701
217/782-1809

- G) Related Rulemakings and other pertinent information: None

- q) Parts(s) (Heading and Code Citation): Conservation 2000 - Forestry Cost-Share Program

1) Rulemaking:

- A) Description: Proposed new rule - Cost-Share Program to assist Ecosystem Partnerships to promote conservation and responsible use of natural resources.

- B) Statutory Authority: Implementing and authorized by Section 62-31 of the State Finance Act [30 ILCS 105/62-31].

- C) Scheduled meeting/hearing dates: None

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- D) Date agency anticipates First Notice: March 1997
- E) Affect on small businesses, small municipalities or not for profit corporations: Unknown at this time
- F) Agency contact person for information:

Jack Price
524 S. Second Street
Springfield, IL 62701
217/782-1809

- G) Related Rulemakings and other pertinent information: None

- r) Parts(s) (Heading and Code Citation): White-Tailed Deer Hunting By Use of Firearms; 17 Ill. Adm. Code 650

1) Rulemaking:

- A) Description: Outlines regulations for hunting of white-tailed deer by use of firearms.

- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

- C) Scheduled meeting/hearing dates: None

- D) Date agency anticipates First Notice: January 1997

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Jack Price
524 S. Second Street
Springfield, IL 62701
217/782-1809

- G) Related Rulemakings and other pertinent information: None

- s) Parts(s) (Heading and Code Citation): White-Tailed Deer Hunting Season by Use of Muzzleloading Rifles; 17 Ill. Adm. Code 660

1) Rulemaking:

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- A) Description: Outlines regulations for the muzzleloading rifle deer season.

- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].

- C) Scheduled meeting/hearing dates: None

- D) Date agency anticipates First Notice: January 1997

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Jack Price
524 S. Second Street
Springfield, IL 62701
217/782-1809

- G) Related Rulemakings and other pertinent information: None

- t) Parts(s) (Heading and Code Citation): White-Tailed Deer Hunting By Use of Bow and Arrow; 17 Ill. Adm. Code 670

1) Rulemaking:

- A) Description: Outlines regulations for the archery deer season.

- B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5, and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].

- C) Scheduled meeting/hearing dates: None

- D) Date agency anticipates First Notice: January 1997

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Jack Price
524 S. Second Street
Springfield, IL 62701

DEPARTMENT OF NATURAL RESOURCES

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217/782-1809

- G) Related Rulemakings and other pertinent information: None
- u) Parts(s) (Heading and Code Citation): General Definition; 62 Ill. Adm. Code 1701
- 1) Rulemaking:
- A) Description: This rule will be amended to implement Section 720 of the Federal Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 et seq., and implement regulations promulgated at 60 Federal Register 16722 (March 31, 1995). The Federal Act and rules require all underground coal mining operations to promptly repair or compensate for material damage caused by subsidence to noncommercial buildings and occupied residential dwellings and related structures. They also require the replacement of drinking, domestic, and residential water supplies that have been adversely impacted by underground coal mining operations.
- B) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].
- C) Scheduled meeting/hearing dates: Written comments may be submitted within 45 days after publication of the proposed amendments. A public hearing will be held if requested.
- D) Date agency anticipates First Notice: February, 1997
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Karen Jacobs, Legal Counsel
524 S. Second Street
Springfield, IL 62701
217/782-1809
- G) Related Rulemakings and other pertinent information: None
- v) Parts(s) (Heading and Code Citation): Underground Mining Permit Applications - Minimum Requirements for Reclamation and Operation Plan; 62 Ill. Adm. Code 1784
- 1) Rulemaking:

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- A) Description: This rule will be amended to implement Section 720 of the Federal Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 et seq., and implement regulations promulgated at 60 Federal Register 16722 (March 31, 1995). The Federal Act and rules require all underground coal mining operations to promptly repair or compensate for material damage caused by subsidence to noncommercial buildings and occupied residential dwellings and related structures. They also require the replacement of drinking, domestic, and residential water supplies that have been adversely impacted by underground coal mining operations.
- B) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].
- C) Scheduled meeting/hearing dates: Written comments may be submitted within 45 days after publication of the proposed amendments. A public hearing will be held if requested.
- D) Date agency anticipates First Notice: February, 1997
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Karen Jacobs, Legal Counsel
524 S. Second Street
Springfield, IL 62701
217/782-1809
- G) Related Rulemakings and other pertinent information: None
- w) Parts(s) (Heading and Code Citation): Permanent Program Performance Standards - Underground Mining Operations; 62 Ill. Adm. Code 1817
- 1) Rulemaking:
- A) Description: This rule will be amended to implement Section 720 of the Federal Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 et seq., and implement regulations promulgated at 60 Federal Register 16722 (March 31, 1995). The Federal Act and rules require all underground coal mining operations to promptly repair or compensate for material damage caused by subsidence to noncommercial buildings and occupied residential dwellings and related structures. They also require the replacement of drinking, domestic, and residential water supplies that have been adversely impacted by underground coal mining operations.

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- B) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].
- C) Scheduled meeting/hearing dates: Written comments may be submitted within 45 days after publication of the proposed amendments. A public hearing will be held if requested.
- D) Date agency anticipates First Notice: February, 1997
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Karen Jacobs, Legal Counsel
524 S. Second Street
Springfield, IL 62701
217/782-1809

G) Related Rulemakings and other pertinent information: None

- x) Parts(s) (Heading and Code Citation): The Illinois Explosives Act; 62 Ill. Adm. Code 200

1) Rulemaking:

A) Description: This Part contains regulations implementing the Illinois Explosives Act, 225 ILCS 210, and applies to the storage, use, acquisition, possession, disposal, and transfer of explosive materials. Sections of this Part will be amended and reorganized for purposes of updating and clarifying explosives storage and use requirements. Generally, the amended regulations will attempt to ensure that explosive materials are handled and stored in a safe and secure manner.

B) Statutory Authority: Implementing and authorized by the Illinois Explosives Act, 225 ILCS 210/1001 et seq.

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: June 1997

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

DEPARTMENT OF NATURAL RESOURCES

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Cindy Bushur-Hallam
524 S. Second Street
Springfield, IL 62701
217/782-1809

G) Related Rulemakings and other pertinent information: None

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a) Part(s)(Heading and Code Citation): Appeals and Hearings; 89 Ill. Adm. Code 510

1) Rulemaking:

A) Description: Revision to existing Parts to clarify the inclusion of school appeals.

B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405]

C) Scheduled meeting/hearing dates: DORS does not anticipate the need for public input over the First Notice period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: May 1997

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams
P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3896

G) Related rulemakings and other pertinent information: None

b) Part(s)(Heading and Code Citation): Collection of Misspent Funds; 89 Ill. Adm. Code 527

1) Rulemaking:

A) Description: Amendments to this Part are anticipated which will outline the procedures to be followed to collect funds inappropriately paid to Personal Assistants who provide services to customers of the Home Services Program.

B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405]

C) Scheduled meeting/hearing dates: DORS does not anticipate the

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need for public input over the First Notice period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: May 1997

E) Affect on small businesses, small municipalities or not-for-profit corporations: DORS has determined that this rulemaking will affect individuals who are employed by customers of the Home Services Program as Personal Assistants.

F) Agency contact person for information:

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams
P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3896

G) Related rulemakings and other pertinent information: None

c) Part(s)(Heading and Code Citation): Community Rehabilitation Programs; 89 Ill. Adm. Code 530

1) Rulemaking:

A) Description: Amendments to this Part are anticipated which will clarify the requirements which must be met by community rehabilitation programs which are seeking agreements with DORS to provide services to customers of the Vocational Rehabilitation Program.

B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405]

C) Scheduled meeting/hearing dates: DORS does not anticipate the need for public input over the First Notice period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: June 1997

E) Affect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will impact not-for-profit corporations which provide services as a community rehabilitation

DEPARTMENT OF REHABILITATION SERVICES

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program.

F) Agency contact person for information:

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams
P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3896

G) Related rulemakings and other pertinent information: Noned) Part(s)(Heading and Code Citation): Services; 89 Ill. Adm. Code 5901) Rulemaking:

A) Description: Amendments are anticipated which will revise the provider requirements found in Section 590.60. The changes will allow DORS to obtain psychological testing and evaluation from individuals holding appropriate licensure under the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107].

B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405]

C) Scheduled meeting/hearing dates: DORS does not anticipate the need for public input over the First Notice period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: April 1997

E) Affect on small businesses, small municipalities or not-for-profit corporations: DORS has determined that this rulemaking will have a positive impact on those individuals holding licensure under the Act as previously DORS could not accept evaluations from such individuals.

F) Agency contact person for information:

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams

DEPARTMENT OF REHABILITATION SERVICES

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P.O. Box 19429
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(217) 785-3896

G) Related rulemakings and other pertinent information: Nonee) Part(s)(Heading and Code Citation): Services; 89 Ill. Adm. Code 5901) Rulemaking:

A) Description: Amendments are anticipated to Subpart J - Maintenance to clarify the provisions under which maintenance services may be provided to customers of the Vocational Rehabilitation Program.

B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405]

C) Scheduled meeting/hearing dates: DORS does not anticipate the need for public input over the First Notice period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: May 1997

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams
P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3896

G) Related rulemakings and other pertinent information: Nonef) Part(s)(Heading and Code Citation): Vending Facility Program for the Blind; 89 Ill. Adm. Code 6501) Rulemaking:

A) Description: 89 Ill. Adm. Code 650 was adopted to provide a

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standardized set of rules for the administration of the "Vending Facility Program for the Blind" in relation to the operation of vending facilities on public and private property by blind persons within the State of Illinois.

- B) Statutory Authority: The Randolph-Shepard Vending Stand Act [20 U.S.C. 107] and Blind Persons Operating Vending Facilities Act [20 ILCS 2420]

- C) Scheduled meeting/hearing dates: DORS does not anticipate the need for public input over the First Notice period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

- D) Date agency anticipates First Notice: May 1, 1997

- E) Affect on small businesses, small municipalities or not-for-profit corporations: None

- F) Agency contact person for information:

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams
P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3896

- G) Related rulemakings and other pertinent information: None

- g) Part(s)(Heading and Code Citation): Eligibility; 89 Ill. Adm. Code 682

1) Rulemaking:

- A) Description: Amendments are anticipated which will clarify what impact on eligibility the transfer of assets will have on individuals applying for or receiving services through the Home Services Program.

- B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405]

- C) Scheduled meeting/hearing dates: DORS does not anticipate the need for public input over the First Notice period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

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- D) Date agency anticipates First Notice: March 1997

- E) Affect on small businesses, small municipalities or not-for-profit corporations: None

- F) Agency contact person for information:

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams
P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3896

- G) Related rulemakings and other pertinent information: None

- h) Part(s)(Heading and Code Citation): Provider Requirements, Type Services, and Rates of Payment; 89 Ill. Adm. Code 686

1) Rulemaking:

- A) Description: New Subpart J - Case Management Services to Persons with AIDS will be added to enumerate the requirements for providers and types of services which are available to customers who have AIDS and receive services through the Home Services Program under the Medicaid Waiver for Persons with AIDS.

- B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405]

- C) Scheduled meeting/hearing dates: DORS does not anticipate the need for public input over the First Notice period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

- D) Date agency anticipates First Notice: May 1997

- E) Affect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will have impact on those not-for-profit corporations seeking rate agreements with DORS to provide services to individuals receiving services under the AIDS Waiver.

- F) Agency contact person for information:

Susan Warner, Manager

DEPARTMENT OF REHABILITATION SERVICES

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 Department of Rehabilitation Services
 623 East Adams
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 (217) 785-3896

G) Related rulemakings and other pertinent information: None

i) Part(s)(Heading and Code Citation): Illinois Long-Term Care Partnership Program; 89 Ill. Adm. Code 688

1) Rulemaking:

A) Description: To amend DORS' administrative rules governing the Long-Term Care Partnership to bring it into compliance with the provisions of P.A. 89-525.

B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405]

C) Scheduled meeting/hearing dates: DORS does not anticipate the need for public input over the First Notice period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: April 1997

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Susan Warrner, Manager
 Division of Regulations and Procedures
 Department of Rehabilitation Services
 623 East Adams
 P.O. Box 19429
 Springfield, IL 62794-9429
 (217) 785-3896

G) Related rulemakings and other pertinent information: None

j) Part(s)(Heading and Code Citation): Admission, Suspension, Expulsion and Discharge Procedures; 89 Ill. Adm. Code 755

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1) Rulemaking:

A) Description: Revision to existing Parts to clarify responsibilities within school IEP meetings.

B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405]

C) Scheduled meeting/hearing dates: DORS does not anticipate the need for public input over the First Notice period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: May 1997

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Susan Warrner, Manager
 Division of Regulations and Procedures
 Department of Rehabilitation Services
 623 East Adams
 P.O. Box 19429
 Springfield, IL 62794-9429
 (217) 785-3896

G) Related rulemakings and other pertinent information: None

k) Part(s)(Heading and Code Citation): Identification, Evaluation, and Placement of Exceptional Children; 89 Ill. Adm. Code 795

1) Rulemaking:

A) Description: Revision to existing Parts to clarify responsibilities within school IEP meetings.

B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405]

C) Scheduled meeting/hearing dates: DORS does not anticipate the need for public input over the First Notice period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: May 1997

DEPARTMENT OF REHABILITATION SERVICES

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E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams
P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3896

G) Related rulemakings and other pertinent information: None

1) Part(s)(Heading and Code Citation): Impartial Due Process Hearing; 89 Ill. Adm. Code 800

1) Rulemaking:

A) Description: Revisions to existing Parts to clarify the students appeals process.

B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405]

C) Scheduled meeting/hearing dates: DORS does not anticipate the need for public input over the First Notice period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: May 1997

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams
P.O. Box 19429
Springfield, IL 62794-9429
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G) Related rulemakings and other pertinent information: None

DEPARTMENT OF REHABILITATION SERVICES

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m) Part(s)(Heading and Code Citation): Rules of Conduct; 89 Ill. Adm. Code 827

1) Rulemaking:

A) Description: Revisions to existing Parts to clarify the students' appeals process in matters of discipline.

B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405]

C) Scheduled meeting/hearing dates: DORS does not anticipate the need for public input over the First Notice period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: May 1997

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Susan Warner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams
P.O. Box 19429
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G) Related rulemakings and other pertinent information: None

n) Part(s)(Heading and Code Citation): Sex Equity; 89 Ill. Adm. Code 829

1) Rulemaking:

A) Description: Creation of a new Part regulating the staff supervision of students at DORS' schools.

B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405]

C) Scheduled meeting/hearing dates: DORS does not anticipate the need for public input over the First Notice period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

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D) Date agency anticipates First Notice: June 1997

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Susan Warrner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams
P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3896

G) Related rulemakings and other pertinent information: None

o) Part(s)(Heading and Code Citation): Non-Academic Programs and Policies; 89 Ill. Adm. Code 830

1) Rulemaking:

A) Description: Revisions to existing Parts dealing with the health services provided to the students at DORS' schools and the payment for those services.

B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405]

C) Scheduled meeting/hearing dates: DORS does not anticipate the need for public input over the First Notice period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: May 1997

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Susan Warrner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams
P.O. Box 19429
Springfield, IL 62794-9429

DEPARTMENT OF REHABILITATION SERVICES

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(217) 785-3896

G) Related rulemakings and other pertinent information: None

p) Part(s)(Heading and Code Citation): Centers for Independent Living; 89 Ill. Adm. Code 886

1) Rulemaking:

A) Description: Revision to existing Parts to change the numerical Compliance Review procedure.

B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405]

C) Scheduled meeting/hearing dates: DORS does not anticipate the need for public input over the First Notice period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: February 1997

E) Affect on small businesses, small municipalities or not-for-profit corporations: If Centers for Independent Living fail to be in compliance, they would be in risk of a loss of funding.

F) Agency contact person for information:

Susan Warrner, Manager
Division of Regulations and Procedures
Department of Rehabilitation Services
623 East Adams
P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3896

G) Related rulemakings and other pertinent information: None

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- a) Part(s) (Heading and Code Citation): Income Tax, 86 Ill. Adm. Code 100

1) Rulemaking:

A) Description: New rules will be added to Part 100 concerning the foreign tax credit against the income tax (IITA Section 601(b)(3)), the tax credit for Tech Prep Youth Vocational Programs (IITA Section 209), and the Dependent Care Assistance Credit (IITA Section 210).

Part 100 will be amended by the addition of rules governing the deduction for dividends received from a corporation conducting substantially all of its operations in an enterprise zone (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(b)(2)(M), and 203(d)(2)(K)).

Subpart P of Part 100 will be amended to update the Department's rules concerning the filing of combined returns under Section 502(e) of the Illinois Income Tax Act.

Some rules changes will be made to Part 100, as a result of recent legislation. As a result of the adoption of P.A. 88-669, rules with respect to acceptance of substitute W-2s will be proposed. Pursuant to 88-648, the Department has been developing rules to implement the Medical Care Savings Account Act. The Department will also amend Part 100 as the result of Federal Public Law 104-95 (prohibiting taxation of nonresidential retirement income).

Finally, the Department will continue the updating of Part 100.

- B) Statutory Authority: 35 ILCS 5/101 and 35 ILCS 5/1401

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 100 over the next six months. The Department anticipates filing rulemakings amending Part 100 on a regular basis during the next six months of this year.

E) Affect on small businesses, small municipalities or not for profit corporations: These rulemakings will affect any business that incurs an income tax filing obligation.

F) Agency contact person for information:

Paul S. Caselton

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Senior Chief Counsel - Income Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
(217) 782-7055

- G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Property Tax Code, 86 Ill. Adm. Code 110

1) Rulemaking:

A) Description: Adopt rulemaking on the valuation, assessment and taxation of leasehold estates.

B) Statutory Authority: 35 ILCS 200/9-195, 15-55

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: After April 1, 1997.

E) Affect on small business, small municipalities or not for profit corporations: This rulemaking will affect any person or business entity leasing exempt property.

F) Agency contact person for information:

Jerry Lanter
Property Tax Counsel
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
(217) 782-6996

- G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): Real Estate Transfer Tax, 86 Ill. Adm. Code 120

1) Rulemaking:

A) Description: Repeal the Real Estate Transfer Tax regulations in Part 120 of the Illinois Administrative Code. Adopt new Real Estate Transfer regulations in Part 110 of the Illinois

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Administrative Code which lists correct form numbers, clarify departmental policy, and answer common audit problems. This is necessary because the Real Estate Transfer Tax Act, as a separate Act, was repealed and incorporated as the Real Estate Transfer Tax Law in the Property Tax Code.

- B) Statutory Authority: 35 ILCS 200/31-1 through 31-70
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: The Department anticipates filing this rulemaking during the first six months of this year.
- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any person or business entity transferring title to real estate unless specifically exempted under Section 31-45 of the Property Tax Code.
- F) Agency contact person for information:
 Jerry Lanter
 Property Tax Counsel
 Illinois Department of Revenue
 101 W. Jefferson, 5-500
 Springfield, IL 62794
 (217) 782-6996
- G) Related rulemakings and other pertinent information: None
- d) Part(s) (Heading and Code Citation): Retailers' Occupation Tax, 86 Ill. Adm. Code 130
- 1) Rulemaking:
- A) Description: Amendments will be made to update the Retailers' Occupation Tax regulations to reflect new statutory developments and decisional law. The Department will also continue the updating of Part 130.
- B) Statutory Authority: 35 ILCS 120
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 130 over

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the next six months. We anticipate filing rulemakings amending Part 130 on a regular basis during the next six months of this year.

- E) Affect on small businesses, small municipalities or not for profit corporations: Small businesses that sell tangible personal property at retail will be affected by these regulations.
- F) Agency contact person for information:
 George Sorensen
 Associate Chief Counsel
 Illinois Department of Revenue
 101 W. Jefferson, 5-500
 Springfield, IL 62794
 (217) 782-7054
- G) Related rulemakings and other pertinent information: None
- e) Part(s) (Heading and Code Citation): Service Occupation Tax, 86 Ill. Adm. Code 140
- 1) Rulemaking:
- A) Description: These rules are part of a general update of the Service Occupation Tax regulations to reflect new statutory developments and decisional law. The Department will also continue the updating of Part 140.
- B) Statutory Authority: 35 ILCS 115
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 140 over the next six months. We anticipate filing rulemakings amending Part 140 on a regular basis during the next six months of this year.
- E) Affect on small businesses, small municipalities or not for profit corporations: Servicemen transferring tangible personal property incident to service will be affected by these rules.
- F) Agency contact person for information:
 George Sorensen

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Associate Chief Counsel
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
(217) 782-7054

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Charitable Games Act, 86 Ill. Adm. Code 435

1) Rulemaking:

A) Description: Amendments will be made to update the Charitable Games Act regulations to reflect new statutory developments and decisional law.

B) Statutory Authority: 230 ILCS 30

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: The Department anticipates filing rulemakings amending Part 435 during the next six months of this year.

E) Affect on small businesses, small municipalities or not for profit corporations: These amendments will affect persons subject to the Charitable Games Act.

F) Agency contact person for information:

George Sorensen
Associate Chief Counsel
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
(217) 782-7054

G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Gas Revenue Tax, 86 Ill. Adm. Code 470

1) Rulemaking:

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A) Description: Amendments will be made to update the Gas Revenue Tax regulations to reflect new statutory developments and decisional law.

B) Statutory Authority: 35 ILCS 615

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: The Department anticipates filing rulemakings amending Part 470 during the next six months of this year.

E) Affect on small businesses, small municipalities or not for profit corporations: These amendments will affect persons subject to the Gas Revenue Tax.

F) Agency contact person for information:

George Sorensen
Associate Chief Counsel
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
(217) 782-7054

G) Related rulemakings and other pertinent information: None

h) Part(s) (Heading and Code Citation): Hotel Operators' Occupation Tax, 86 Ill. Adm. Code 480

1) Rulemaking:

A) Description: These rules require amendment to include the provisions of P.A. 87-951, which amended the definition of "permanent resident". Also, the Department will continue the updating of Part 480.

B) Statutory Authority: 35 ILCS 145

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: The Department anticipates filing rulemakings amending Part 480 during the next six months of this year.

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E) Affect on small businesses, small municipalities or not for profit corporations: These amendments will affect persons subject to the Hotel Operators' Occupation Tax.

F) Agency contact person for information:

George Sorensen
Associate Chief Counsel
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
(217) 782-7054

G) Related rulemakings and other pertinent information: None

i) Part(s) (Heading and Code Citation): Telecommunications Excise Tax, 86 Ill. Adm. Code 495

1) Rulemaking:

A) Description: The rules will be amended to clarify both current statutory provisions and Department policy. Many new technologies have evolved since the Act was established, and the manner in which these technologies are taxed can be clarified in the rules.

B) Statutory Authority: 35 ILCS 630

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: The Department anticipates filing rulemakings amending Part 495 during the next six months of this year.

E) Affect on small businesses, small municipalities or not for profit corporations: Retailers of telecommunications will be affected by these regulations.

F) Agency contact person for information:

George Sorensen
Associate Chief Counsel
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
(217) 782-7054

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G) Related rulemakings and other pertinent information: None

j) Part(s) (Heading and Code Citation): Motor Fuel Tax, 86 Ill. Adm. Code 500

1) Rulemaking:

A) Description: Amendments will be made to update the Motor Fuel Tax regulations to reflect new statutory developments and decisional law.

B) Statutory Authority: 35 ILCS 505

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: As noted above there will be a number of rulemakings proposed with respect to Part 500 over the next six months. We anticipate filing rulemakings amending Part 500 on a regular basis during the second six months of this year.

E) Affect on small businesses, small municipalities or not for profit corporations: Distributors, suppliers and receivers of motor fuel, as well as persons paying Motor Fuel Use Tax under the International Fuel Tax Agreement.

F) Agency contact person for information:

George Sorensen
Associate Chief Counsel
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
(217) 782-7054

G) Related rulemakings and other pertinent information: None

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- a) Part(s) (Heading and Code Citation): Public Information, Rulemaking and Organization; 2 Ill. Adm. Code 1225

1) Rulemaking:

A) Description: This rulemaking updates Part 1225 to, among other things, accurately reflect the reorganization of the Department's Division of Highways.

B) Statutory Authority: [5 ILCS 100/5-15 and 20 ILCS 5/16]

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: This rulemaking will be effective upon filing. Anticipated filing date is approximately 6 months from now.

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, IL 62764
217-782-3215

G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Regulations for State Operating Assistance to Downstate Areas; 92 Ill. Adm. Code 653

1) Rulemaking:

A) Description: The Downstate Public Transportation Act [30 ILCS 740/1] established a continuing program of State operating assistance for public transportation services outside the areas served by the Regional Transportation Authority (Cook, DuPage, Will, McHenry, Lake and Kane Counties) and outside Madison, Monroe and St. Clair Counties. This Part sets forth the purposes and conditions with which the operating assistance funds may be used. This rulemaking will amend the Part to update and bring it into conformance with current industry practice.

B) Statutory Authority: Implementing and authorized by Sections 2-4,

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- 2-6 and 2-14 of the Downstate Public Transportation Act [30 ILCS 740/2-4, 2-6 and 2-14].

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First notice: March 1997

E) Effect on small businesses, small municipalities or not-for-profit corporations: The revisions to this Part will benefit small municipalities.

F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, IL 62764
217-782-3215

G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): Business Logo Signing Program; 92 Ill. Adm. Code 542

1) Rulemaking:

A) Description: This Part was established to regulate the use of business logos displayed along various interstate highways. It established standards, specifications, and financial responsibility for a program of placing business logos on specific service panels. The displayed business logos provide motorists with travel-related directional information to facilities offering gas, food, lodging, and camping. The Department will propose technical changes to close loopholes and to address things not previously covered in the original Part.

B) Statutory Authority: 225 ILCS 440/4.08 and 14.01 and 605 ILCS 5/4-201.1

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First notice: February 1997

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect small businesses and possibly not-for-profit organizations. Small municipalities will

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not be impacted by this rule.

F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, IL 62764
217-782-3215

G) Rulemakings and other pertinent information: None

- d) Part(s) (Heading and Code Citation): Control of Outdoor Advertising Adjacent to Primary and Interstate Highways; 92 Ill. Adm. Code 522

1) Rulemaking:

A) Description: HB 3414 amended the Highway Advertising Control Act of 1971 to comply with the provisions of the federal Intermodal Surface Transportation Efficiency Act (ISTEA) regarding the creation of the National Highway System and Scenic Byways. The passage of this bill brings the Department into full compliance with the federal law regarding scenic byways and the highway beautification regulations. New definitions will be added to the Part pursuant to HB 3414. The Department is also, by this rulemaking, clarifying the definition of "Business Area," adding a Section entitled "Conditional Approval of Permit Application," expanding the Section entitled "Receipt of Application," and clarifying the Department's review procedures.

B) Statutory Authority: 225 ILCS 440/14.01

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First notice: Within six months

E) Effect on small businesses, small municipalities or not-for-profit corporations: The billboard industry, hotel-motel management association and other groups affected by the revisions were involved in writing this specific legislation and will most likely support the rule changes. Small businesses will be affected to the extent that non-conforming signs will not be eligible to be re-erected if, for example, they are damaged in a storm.

F) Agency contact person for information:

DEPARTMENT OF TRANSPORTATION

JANUARY 1997 REGULATORY AGENDA

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, IL 62764
217-782-3215

G) Related rulemakings and other pertinent information: None

- e) Part(s) (Heading and Code Citation): Prequalification of Contractors and Issuance of Plans and Proposals; 44 Ill. Adm. Code 650

1) Rulemaking:

A) Description: The purpose of this Part is to establish policies and procedures to allow the Illinois Department of Transportation to fulfill its obligations to award all construction and maintenance contracts to the lowest responsive and responsible bidder by prequalifying contractors to determine their responsibility. This rulemaking will address metrification, conformance to current accounting practices, and an overall refinement of the rules.

B) Statutory Authority: Implementing Section 6 of the Illinois Purchasing Act [30 ILCS 505/6] and Section 4-103 of the Illinois Highway Code [605 ILCS 5/4-103] and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1] and Section 5.2 of the Illinois Purchasing Act [30 ILCS 505/5.2].

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First notice: March 1997

E) Effect on small businesses, small municipalities or not-for-profit corporations: No effect is anticipated.

F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, IL 62764
217-782-3215

G) Related rulemakings and other pertinent information: None

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- f) Part(s) (Heading and Code Citation): Rail Freight Program; 92 Ill. Adm. Code 800

1) Rulemaking:

A) Description: This Part contains the Department's requirements for rail freight capital improvement projects and the management and administration of the projects funded under this program. This rulemaking will bring this Part into conformance with standard industry practice and will also clear up ambiguities currently contained in the Part.

B) Statutory Authority: Implementing and authorized by Sections 49.25d and 49.25g-1 of the Civil Administrative Code of Illinois [20 ILCS 2705/49.25d and 49.25g-1]

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First notice: Unknown

E) Effect on small businesses, small municipalities or not-for-profit corporations: The revisions will make it easier for these entities to comply with the requirements and will enhance their ability to access assistance or funding.

F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, IL 62764
217-782-3215

G) Related rulemakings and other pertinent information: None

- g) Part(s) (Heading and Code Citation): School Bus Driver's Pretrip Inspection Requirements; 92 Ill. Adm. Code _____

1) Rulemaking:

A) Description: This rulemaking will be proposed in conjunction with amendments to 92 Ill. Adm. Code 441 and 443 in order to remove the school bus driver pretrip inspection requirements from Parts 441 and 443. A new Part will be established which will address only specific school bus driver pretrip requirements. Changes will be made to the existing pretrip inspection program.

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- B) Statutory Authority: Section 13-115 of the Illinois Vehicle Code [625 ILCS 5/13-115]

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First notice: Unknown

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect small businesses and municipalities that operate school buses.

F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, IL 62764
217-782-3215

G) Related rulemakings and other pertinent information: 92 Ill. Adm. Code 441 and 443

- h) Part(s) (Heading and Code Citation): Inspection Procedures for Types I and II School Buses (92 Ill. Adm. Code 441 and 443)

1) Rulemaking:

A) Description: These Parts will be amended to remove language relevant to the school bus driver's pretrip inspection requirements. These Parts will also be amended to update and correct errors.

B) Statutory Authority: Implementing and authorized by Article VIII of the Illinois Vehicle Equipment Law [625 ILCS 5/Ch. 12, Art. VIII] and the Illinois Vehicle Inspection Law [625 ILCS 5/Ch. 13]

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First notice: Unknown

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect small businesses and municipalities that operate school buses.

F) Agency contact person for information:

DEPARTMENT OF TRANSPORTATION

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Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, IL 62764
217-782-3215

- G) Related rulemakings and other pertinent information: School Bus Driver's Pretrip Inspection Requirements

- i) Part(s) (Heading and Code Citation): Illinois Hazardous Materials Transportation Regulations (92 Ill. Adm. Code 107-180)

1) Rulemaking:

- A) Description: These rulemakings will update the regulations to conform with federal changes recently adopted. Also, a procedural change will be proposed to the civil penalty proceeding.

- B) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)]

- C) Scheduled meeting/hearing date: None scheduled

- D) Date agency anticipates First notice: Unknown

- E) Effect on small businesses, small municipalities or not-for-profit corporations: These rulemakings will affect small businesses and municipalities that ship or carry placarded hazardous materials.

- F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, Illinois 62764
217-782-3215

- G) Related rulemakings and other pertinent information: None

- j) Part(s) (Heading and Code Citation): Official Testing Stations; 92 Ill. Adm. Code 448

1) Rulemaking:

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- A) Description: This Part, governing Official Testing Station, will be reorganized, rewritten, and updated.

- B) Statutory Authority: Implementing and authorized by Section 12-711 and 12-503 of the Illinois Vehicle Equipment Law [625 ILCS 5/12-711 and 12-503], the Illinois Vehicle Inspection Law [625 ILCS 5/Ch. 13] and Section 6-410 of the Illinois Driver Licensing Law [625 ILCS 5/6-410].

- C) Scheduled meeting/hearing date: None scheduled

- D) Date agency anticipates First notice: Unknown

- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect small businesses and municipalities that own or operate Illinois Official Testing Stations.

- F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, IL 62764
217-782-3215

- G) Related rulemakings and other pertinent information: None

- k) Part(s) (Heading and Code Citation): Appendix G Vehicle Inspections; 92 Ill. Adm. Code _____

1) Rulemaking:

- A) Description: The purpose of this rulemaking will be to establish an administrative rule which addresses the "Appendix G" truck inspection procedures.

- B) Statutory Authority: Implementing and authorized by Section 13-101 of the Illinois Vehicle Code [625 ILCS 5/13-101]

- C) Scheduled meeting/hearing date: No plans for hearings, meetings, etc.

- D) Date agency anticipates First notice: Unknown

- E) Effect on small businesses, small municipalities or not-for-profit

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corporations: This rulemaking will affect small businesses and municipalities that own or operate Illinois Official Testing Stations.

F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, IL 62764
217-782-3215

G) Related rulemakings and other pertinent information: None

1) Part(s) (Heading and Code Citation): Airport Hazard Zoning Regulations

1) Rulemaking:

A) Description: The Department intends to propose a "generic" Airport Hazard Zoning rule covering various publicly owned airports not currently covered by existing Airport Hazard Zoning rules. This rulemaking will address the elimination of hazards to aviation by providing for height limitations of trees and structures in and around the airport environment. This rulemaking will also address light and electromagnetic interference which may compromise the safety of flight.

B) Statutory Authority: 620 ILCS 25/17

C) Scheduled meeting/hearing date: The first hearing is tentatively scheduled for April, 1996. Subsequent hearings will be held as additional airports are added on.

D) Date agency anticipates First notice: April or May of 1996

E) Effect on small businesses, small municipalities or not-for-profit corporations: No impact anticipated

F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, IL 62764
217-782-3215

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G) Related rulemakings and other pertinent information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 7, 1997 through January 13, 1997 and have been scheduled for review by the Committee at its January 21, 1997 or February 25, 1997 meetings in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
2/20/97	Department of Natural Resources, Falconry and the Captive Propagation of Raptors (17 Ill Adm Code 1590)	11/22/96 20 Ill Reg 14971	1/21/97
2/21/97	Environmental Protection Agency, General Conformity: Criteria and Procedures (35 Ill Adm Code 255)	9/20/96 20 Ill Reg 12543	1/21/97
2/21/97	Department of Transportation, Oversize and Overweight Permit Movements on State Highways (92 Ill Adm Code 554)	11/22/96 20 Ill Reg 14993	1/21/97
2/21/97	Department of Revenue, Electronic Filing of Illinois Individual Income Tax Returns (86 Ill Adm Code 105)	11/15/96 20 Ill Reg 14745	1/21/97
2/26/97	Illinois Community College Board, Administration of the Illinois Public Community College Act (23 Ill Adm Code 1501)	11/15/96 20 Ill Reg 14674	2/25/97
2/26/97	Illinois Community College Board, Administration of the Illinois Public Community College Act (23 Ill Adm Code 1501)	12/2/96 20 Ill Reg 15130	2/25/97
2/26/97	Illinois Community College Board, Administration of the Illinois Public Community College Act (23 Ill Adm Code 1501)	11/22/96 20 Ill Reg 14964	2/25/97
2/26/97	Illinois Community College Board, Administration of the Illinois Public Community College Act (23 Ill Adm Code 1501)	8/30/96 20 Ill Reg 11527	2/25/97

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
2/26/97	Illinois Community College Board, Administration of the Illinois Public Community College Act (23 Ill Adm Code 1501)	11/8/96 20 Ill Reg 14353	2/25/97
2/26/97	Illinois Commerce Commission, Fees and Taxes (92 Ill Adm Code 1205)	10/18/96 20 Ill Reg 13481	2/25/97
2/26/97	Department of Revenue, Charitable Games Act (86 Ill Adm Code 435)	11/1/96 20 Ill Reg 14131	2/25/97
2/26/97	Pollution Control Board, Petroleum Underground Storage Tanks (35 Ill Adm Code 732)	10/25/96 20 Ill Reg 13806	2/25/97

PROCLAMATIONS

97-1

GORDON AND PEG FIDLER CONGRATULATED

Whereas, Peg and Gordon Fidler were united in marriage on January 11, 1947; and

Whereas, the Fidlers are the parents of two daughters, Tammy Swinford and Marta Eynatten; and

Whereas, Peg and Gordon also have four grandchildren, Jody Brue, Jill Ann Brue, Brent Swinford, and Marta Beth Swinford; and

Whereas, Mr. Fidler is a retired superintendent of Ottawa Township High School in Ottawa, and is currently Professor of Business Education at Illinois State University in Normal; and

Whereas, Mrs. Fidler has been a full-time homemaker throughout their marriage and now enjoys keeping track of her grandchildren; and

Whereas, the Fidlers are avid sports fans who are great supporters of ISU athletics and closely follow the women's basketball and volleyball teams there; and

Whereas, the Fidlers will celebrate their 50th wedding anniversary on January 11, 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois, extend best wishes and sincere congratulations to Gordon and Peg Fidler on their golden anniversary.

Issued by the Governor January 2, 1997.

Filed by the Secretary of State January 10, 1997.

97-2

STUDENT ASSISTANCE WEEK

Whereas, the Illinois Association of Student Assistance Professionals (IASAP) was formed to address the need for student assistance; and

Whereas, IASAP advocates, promotes and networks for the delivery of effective and comprehensive student assistance program services addressing alcohol, drugs and other related issues; and

Whereas, IASAP is committed to assisting students with regard to their health and well-being, and maintaining a nurturing climate that supports positive growth and development of all students; and

Whereas, IASAP, in conjunction with school personnel, has joined forces with communities, service providers and volunteers to offer education, prevention, intervention, aftercare and support for students;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 2-8, 1997, as STUDENT ASSISTANCE WEEK in Illinois.

Issued by the Governor January 2, 1997.

Filed by the Secretary of State January 10, 1997.

97-3

THANK YOU DAYS

Whereas, it is right and courteous to extend thanks to people who have helped others and shown them kindness; and

Whereas, oftentimes, caring gestures are taken for granted or forgotten

PROCLAMATIONS

about; and

Whereas, extending the common courtesy of thanks and being appreciative and grateful for the little things in life is certainly proper; and

Whereas, the third annual Thank You Days will be recognized with eight days of celebration and opportunities to give thanks;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 11-18, 1997, as THANK YOU DAYS in Illinois.

Issued by the Governor January 2, 1997.

Filed by the Secretary of State January 10, 1997.

97-4

ARCHBISHOP JAMES P. LYKE DAY

Whereas, the Knights of Peter Claver: Ladies Auxiliary, the largest black Catholic Fraternal Organization in the world, is committed to community and religious service within the Roman Catholic Church; and

Whereas, the Knights of Peter Claver: Ladies Auxiliary strives to honor outstanding African-American adult males and students for achievements in academics, leadership, Christian values, dedication to the community and community service; and

Whereas, the Knights of Peter Claver: Ladies Auxiliary will present its Third Archbishop James P. Lyke African-American Male Image Awards to Deserving African-American men; and

Whereas, James Patterson Lyke was born February 18, 1938, to Amos and Ora Lyke in Chicago, Illinois; and

Whereas, James Lyke was ordained as a priest June 24, 1966, at Teutopolis, Illinois, Order Friars Minor; and

Whereas, after many years of serving as a life example, Archbishop Lyke passed away at the age of 54; and

Whereas, James P. Lyke is noted for his outstanding contributions to African-American religious, educational and community issues;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 23, 1997, as ARCHBISHOP JAMES P. LYKE DAY in Illinois.

Issued by the Governor January 7, 1997.

Filed by the Secretary of State January 10, 1997.

97-5

MARCH OF DIMES BIRTH DEFECTS PREVENTION MONTH

Whereas, the March of Dimes is a national voluntary health agency whose mission is to improve the health of babies by preventing birth defects and infant mortality; and

Whereas, during the month of January, nearly 12, 500 babies will be born with birth defects and nearly 700 of these babies will die; and

Whereas, the March of Dimes' commitment to improve maternal and child health care has helped to reduce the incidence of birth defects, low birthweight and infant mortality; and

Whereas, groundbreaking medical research offers new hope for preventing neural tube defects (NTDs), affecting more than 2, 500 babies each year; and

Whereas, the March of Dimes has formed an alliance with Centrum

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Multivitamins to help prevent neural tube defects by educating consumers and health care providers about the importance of consuming the B-vitamin folic acid; and

Whereas, the March of Dimes urges all women of childbearing age, who are capable of becoming pregnant, to start taking 400 micrograms of the B-vitamin folic acid every day to reduce their risk of having a pregnancy affected with spina bifida or other NTDs; and

Whereas, the March of Dimes has pioneered a unique partnership of volunteers, health professionals and corporate America to help women of childbearing age improve their chances for delivering a healthy baby; and

Whereas, through its Campaign For Healthier Babies, the March of Dimes funds programs of research, community services, education and advocacy to assure healthy lives for America's children;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 1997 as MARCH OF DIMES BIRTH DEFECTS PREVENTION MONTH and urge all citizens of Illinois to recognize and support the efforts of the March of Dimes.

Issued by the Governor January 7, 1997.

Filed by the Secretary of State January 10, 1997.

97-6

PALOS COMMUNITY HOSPITAL DAY

Whereas, Palos Community Hospital opened on March 19, 1972, with 265 beds; and

Whereas, Palos Community Hospital employs 2,129 people, including 386 physicians representing 40 specialties and subspecialties; and

Whereas, Palos Community Hospital is accredited by the Joint Commission on Accreditation of Healthcare Organizations, and its major patient services include cardiac care, intensive care, surgery, psychiatric/chemical dependency treatment, maternity care, pediatrics, orthopedics, oncology, home health care, emergency and ambulatory care; and

Whereas, Palos Community Hospital offers a broad range of community services including weight loss programs, Stop Smoking Clinic, and Home Delivered Meals; and

Whereas, Palos Community Hospital will celebrate its 25th anniversary on March 19, 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 19, 1997, as PALOS COMMUNITY HOSPITAL DAY in Illinois.

Issued by the Governor January 7, 1997.

Filed by the Secretary of State January 10, 1997.

97-7

PUSH EXCEL DR. MARTIN LUTHER KING, JR. COMMEMORATIVE DAY

Whereas, January 27, 1997, will mark the Seventh Annual Dr. Martin Luther King, Jr. Commemorative Breakfast sponsored by PUSH Excel; and

Whereas, the King Commemorative Breakfast is held annually in observance of the magnitude and profound impact Dr. King's philosophy and principles have had on millions of people, to recognize young people as carriers of the dream

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and to raise funds for community programs for the continuous uplifting of youth; and

Whereas, during 1996, PUSH Excel awarded \$25,000 in scholarships to college-bound students in support of educational excellence and to further inspire students to excel; and

Whereas, the King Commemorative Breakfast involves all segments of the community who believe in Dr. King's dream;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 27, 1997, as PUSH EXCEL DR. MARTIN LUTHER KING, JR. COMMEMORATIVE DAY in Illinois.

Issued by the Governor January 7, 1997.

Filed by the Secretary of State January 10, 1997.

Rules acted upon during the quarter of January 1 through March 31, 1997 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-2. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatale@ccgate.sos.state.il.us (Internet address).

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